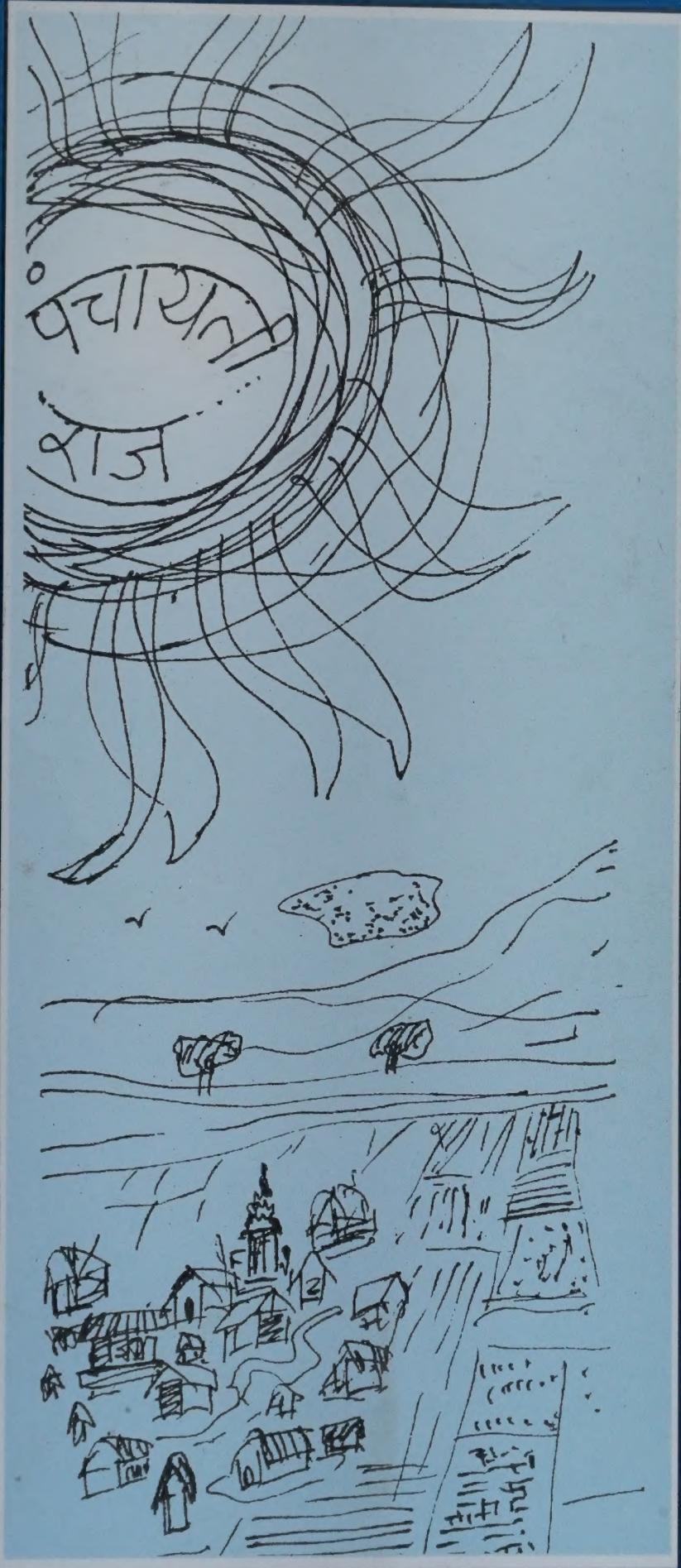


PEOPLE CENTRED ADVOCACY SERIES



Panchayati Raj



NATIONAL CENTRE FOR ADVOCACY STUDIES

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Panchayati Raj



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Preface

Advocacy is the planned process of amplifying the voice of the voiceless. It becomes meaningful for those who are at the receiving end of unequal power relationship to mobilise their voice and action to influence the decision makers to advance just and equitable policy initiatives. Of late, advocacy has become a bit of a buzzword. It seems to be equated more with lobbying with policy makers and less with the process of empowerment and mobilisation. This is an erroneous perception of true advocacy for rights and justice because advocacy as an act of amplifying the voice is a means of empowerment. The role of all those who facilitate advocacy process is to create an enabling condition wherein the people can advocate for themselves. One of the major hindrances for effective advocacy by the people themselves is lack of information and understanding about issues that perpetually marginalise them. Hence, there is a need to demystify information, systems, policies and processes in a way that would enable, educate and empower the marginalised. Any task of empowerment needs to be a collective task. We at NCAS believe that advocacy is a collective process. "The People Centred Advocacy Series" is both a witness to as well as result of such a 'learning'.

People- particularly those who have less bargaining power and those who are historically and politically marginalised- are the beginning and the end of such a process of advocacy. People are subject of their action and masters of their own destiny, and not a set of objects to be manipulated or to be treated as objects. Public policies are meant for people. Hence, public policy should be initiated, informed and inspired by the people. That is the crux of democracy. Change and social transformation happens not merely because of policy change. Of course, policy change is one of the important means. Social change and transformation happens when people own up a process of change and the policy makers have the political will to promote the change. The change in societal attitude is as important a factor as a change in the mindset of policy makers. People Centred Advocacy Series is an initiative to move towards such a dream. A vision inspired by the millions of this country who are still crying for justice, equity and rights. We need to do everything, every possible action, to ensure that this country and the policy makers live up to the spirit of the Constitution as described in the Preamble.

This series is meant for grassroots activists, educators and public interest professionals who are committed to facilitate grassroots advocacy learning process. We hope such a series would be further contextualised and demystified as per the needs of the social action community in each state. On the one hand this is a manual meant to strengthen advocacy campaigns and on the other hand it is a companion series for grassroots advocacy capacity building. This manual becomes meaningful when it is used to add value to existing set of actions. In that sense, the series is a set of action manuals.

Language is power. Often, the language of the powerful and elite alienates the people. Whether it is Sanskrit, Latin or English, the language of the elite perpetuates status quo. Hence, there is a need to break the barrier of the power play by language. English has become a necessary evil in this country because it is the only Lingua Franca that connects a multilingual society. However, we need to go beyond this. Hence, People Centred Advocacy Series is to be brought out in Indian Languages so as to ensure that there is an informed discussion and debate at the grassroots level. Such an understanding is derived from our experience of working with the people at grassroots level for almost a decade. This series is a result of collective search, thinking and process over a period of last three years. We would like to thank all the member organisations of the Advocacy Learning Collective that helped to realise this process. We hope more and more activists and public spirited citizens will join to strengthen community learning, grassroots democracy and people centred advocacy.

In Solidarity,
John Samuel
For Advocacy Learning Collective

Foreword

The 73rd Constitutional Amendment and passage of the Panchayati Raj Act, 1993 brought several reforms in the Panchayati Raj system with the aim to create a healthy political environment and to facilitate greater participation of all people in the political process. The Gram Sabha has been recognised as a Constitutional Body, through which the people themselves, not only their representatives, can participate in conception and implementation of plans and programmes that affect their lives. Provisions have been made to ensure participation of marginalised groups like Dalits, tribals and women at all levels of Panchayati Raj Institutions.

However, mere Amendments will not realise the dream of people's participation and democratic decentralisation. The bureaucracy, the urban and rural elite, the political parties and its leaders view the Panchayati Raj System with fear as they tend to lose power with the emerging new leadership at the village level. Consequently, there is a lack of political will to transfer power to the people. In addition the casteist and communal affiliations and forces also play their role in subverting the democratic process.

Nevertheless, people, even the poor and the illiterate, are asserting their political power throughout the country. The democratic ideology and democratic values are established by constantly challenging the feudal and other oppressive ideologies. People have to be inspired through a continuous process of organising and mobilising. In areas where such processes do not take place, people are unable to assert themselves and exercise their democratic powers.

In this context, the role of activists committed to social and economic transformation in rural areas becomes significant. There is a need for them to be armed with information and an understanding of the issues and politics at the local level. This booklet aims at giving an overview of the Panchayati Raj System and the powers people can exercise through the Gram Sabha. We believe that this booklet will be useful to social activists working in rural areas. We welcome all suggestions and comments from the readers.

Mahatma Gandhi's Dream

"The independence of India should mean Independence of the whole India.... Independence must begin at the bottom.

Thus every village will be republic or Panchayat having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs. In this structure composed of innumerable villages, there will be ever-widening, ever-ascending circles. Life will not be a pyramid with the apex sustained by the bottom."

(*Mahatma Gandhi, Harijan, July 28, 1946, p. 236*)

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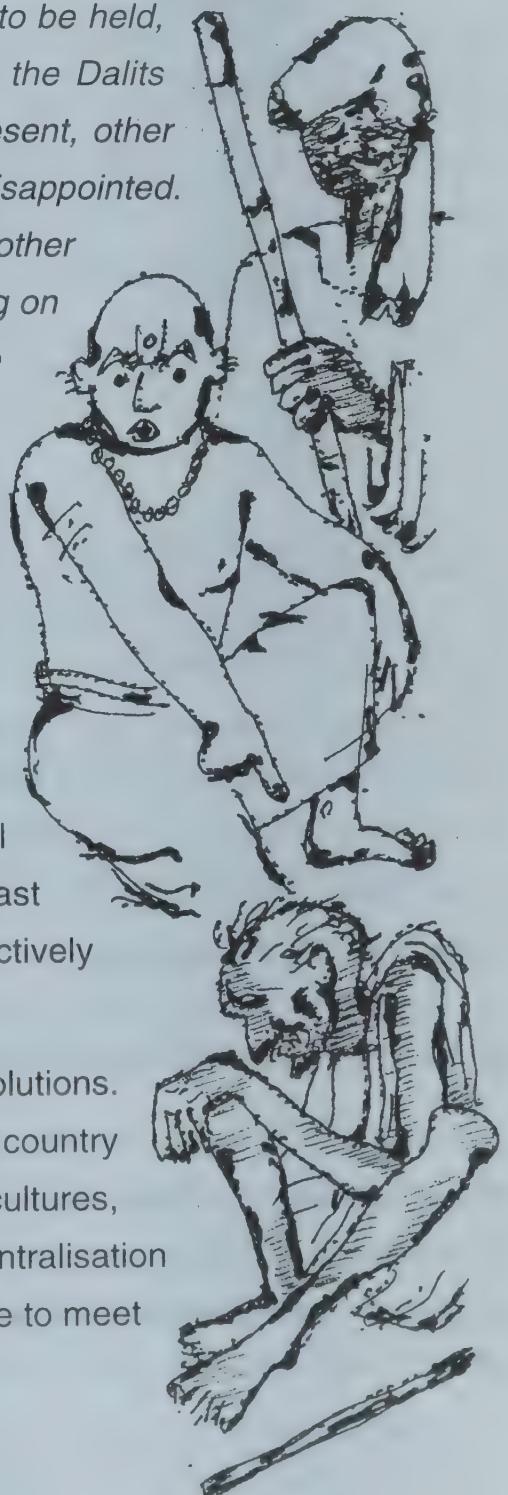
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AN EVOLVING ROLE

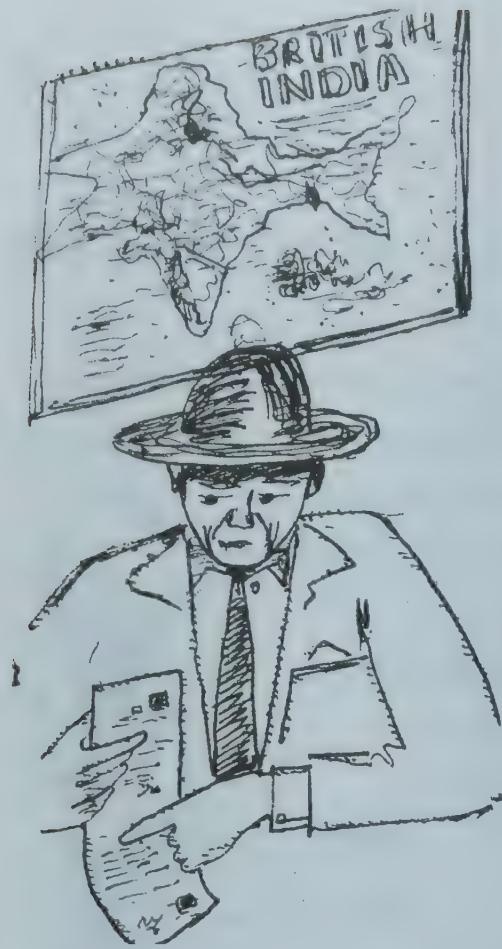
In Madnapalli village in Andhra Pradesh, a Gram Sabha was held in April 2000. Surprisingly, no one from the Dalit basti was present. What had happened was that when the meeting was announced, the Dalits were deliberately misled about where the meeting was to be held, and directed to go to a place far from the actual venue. When the Dalits assembled there, they realized that no other community was present, other than the Dalits. They waited for a while, and then went home disappointed. Later they came to know that the Gram Sabha had taken place at another venue and they had been kept out intentionally. While commenting on this incident, a Dalit balwadi teacher pointed out that the sentence 'Democracy is by the people for the people of the people,' that she had learnt as a student, had little meaning in their lives. "Doesn't the word 'people' include our people also?" she asked, sarcastically.

All people rarely get to enjoy the fruits of democracy. In fact a large number are systematically kept away from the seats of power. They are the millions of marginalised people like rural poor, Dalits, tribals and women. They have for long been unable to exercise their democratic rights because of their economic, social and political oppression. Recent reforms in Panchayati Raj system have at last made it possible for these historically marginalised people to actively participate in governance.

Also, local problems demand on-the-spot inquiry and quick solutions. This demand is better met by local institutions. Moreover, in a vast country like India with thousands of communities with their heterogeneous cultures, varied languages, innumerable castes and different religions, decentralisation - which is the core of the Panchayati Raj system -makes it possible to meet the aspirations of diverse people.



◆ Origins



Local institutions have very deep roots in Indian soil. Every village in olden times had a village Panchayat, which used to function as an autonomous body. The term Panchayat means an assembly of five - 'Panch' is five and 'Yat' is assembly. Along with village Panchayats, there were also caste Panchayats and tribal Panchayats which controlled the social life of the particular caste or tribe that they represented. The 'Panch' were the elders and experienced people of the community who would by and large collectively address and solve the problems of the villagers.

These Panchayats were also responsible for collecting taxes to pay to the kings, and later to the British. These 'Panchs' were almost invariably men and they belonged to the upper caste and land owning class. They would rule the village as if it was their birthright. This resulted in immense injustice to women, poor, Dalits and the backward sections of the society.

Though our country has seen the rise and fall of many large empires, this system of governance at the village level remained more or less unchanged. However, once British colonial rule established itself in India, the Panchayati system began to whither away. The British developed a system of laws and regulations to suit their interests. They gradually took all powers in their hands by introducing their administrative systems like revenue, police, courts, etc. essential for their expansion and functioning. Power now became centralised. The Resident Collector became the unchallenged 'ruler' of the district. Village disputes had to be brought to the city courts for settlement. Thus, British systems were gradually imposed over traditional Panchayati Raj.

◆ Post-Independence Revival

Genuine democracy implies a bottom-upward pattern of power structure and not top-downward. Mahatma Gandhi believed that the strength of the central government must rest on the strength of its foundation, the village governing bodies, and not at their expense. He wanted a well-knit political and economic decentralisation. He advocated the creation of people's power alongside the power of the state.

After Independence, with the evolution of the concept and practice of democracy, the idea of the Panchayats was revived. Now they were to play a new role as foundation blocks of democracy in India, whereby people would directly exercise their democratic rights.

However, this concept initially did not find any place in the Constitution for various reasons. The leaders of Independent India believed that the fruits of industrialisation with centralised planning would gradually trickle down to the people. Besides, political leaders and bureaucrats who wielded considerable power did not want to share it with common people. They regarded these institutions as rival centres of power. In the process, devolving power to the people was not given priority.

Dr. Babasaheb Ambedkar, the father of our Constitution, had doubts regarding the village Panchayat's role in delivering social justice. He, being a Dalit, had bitter experiences of village Panchayats that were dominated by the upper caste. For various such reasons a series of debates and discussions took place while including Panchayati Raj in the Constitution. Later, it was included in Article 40 of the Directive Principles of State Policy that states: "The state shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."

◆ Re-defining its Position

Initially, when the Panchayats were revived, they were not accepted as an alternative form of governance. They were seen as units of administration that would further consolidate the base of Central and State Governments.

- 1950s : the Planning Commission introduced the Rural Extension and Community Development Programme. Panchayats were supposed to help the bureaucracy in the implementation of the programmes and policies of the central and state governments.
- 1957 : in order to assess the success and failures of the programme, the government appointed the Balawant Mehta Committee. The committee was of the opinion that the Community Development Programme was not successful because it failed to secure local participation.
- 1977 : after emergency, the Janata Party constituted a committee under the chairmanship of Ashok Mehta to give suggestions for strengthening the Panchayati Raj Institutions. The committee rightly pointed out lacunae such as the haphazard programmes, no regular elections, domination of vested interests (e.g. sugar lobby in Maharashtra) and lack of adequate financial resources. It recommended the district as the first point for decentralisation. However, before its recommendations could be implemented, the Janata government fell.

- 1989 : Prime Minister Rajiv Gandhi formulated Panchayati Raj Bill and introduced it as the Constitution (64th Amendment) Bill in Parliament. However, the Bill was defeated in the Rajya Sabha.
- 1992 : finally, under Prime Minister P.V. Narsimha Rao, the 73rd Constitutional Amendment was approved and 'The Panchayati Raj Act' became applicable all over the country from 24th April 1993.

Later, the states, by making necessary amendments to their existing laws, brought about the long overdue changes in the state structures to institute a three-tier local self-government in rural areas.

◆ Power to People

The 73rd Constitutional Amendment Act has been a revolutionary step towards decentralisation of power and governance. The amendment provides for:

- Planning and development of local resources by the village council ie. the Gram Sabha;
- Uniformity in terms of tenure, administrative units etc ;
- Bureaucracy's responsibility to implement the Act ;
- Periodic elections to be conducted by an autonomous body ;
- Reservation of seats for women, SCs and STs at all levels.

With the 73rd Constitutional Amendment a three-tier system of Panchayati Raj at the village, intermediate (block or taluka) and district level came into being. As a result, a common system of governance that aims for actual people's participation has been introduced in all the states of the country.

Now the entire responsibility of the development of the village has been placed squarely on the shoulders of the Gram Panchayat. Provisions have been made to enable the Gram Panchayat to take decisions democratically, on the principles of social justice. Uniform rules and guidelines have been drawn for all the states. Elected representatives are to implement the decisions of the Gram Sabhas in concurrence with the government employees at various levels. In short, an attempt has been made to realise Mahatma Gandhi's concept of Gram Swaraj through the Panchayati Raj Act.



HOW THE GRAM PANCHAYAT WORKS

Our entire country is governed by the Central Government and each state by State Government. The Zilla Parishad governs at the district level, the Panchayat Samiti at the block or taluka level and the Gram Panchayat at the village level. Thus, we see that political power has been devolved from the Central to Gram Panchayat level. This is known as a decentralised democratic system of governance.

Here the political power is not vested with a single person or a group. The elected representatives, with the help of people, are supposed to take up local problems encountered in their constituencies and place them before the government and its officers. Along with this, it is equally the duty and the responsibility of government employees and officers to ensure that different developmental schemes approved by the Central and State Governments reach all people. Thus, in this system of governance, democratically elected representatives of people in the Gram Panchayat, Panchayat Samiti and Zilla Parishad work with government employees and officers. The idea is that the development of the village should be planned according to the needs of the villagers and with their participation.

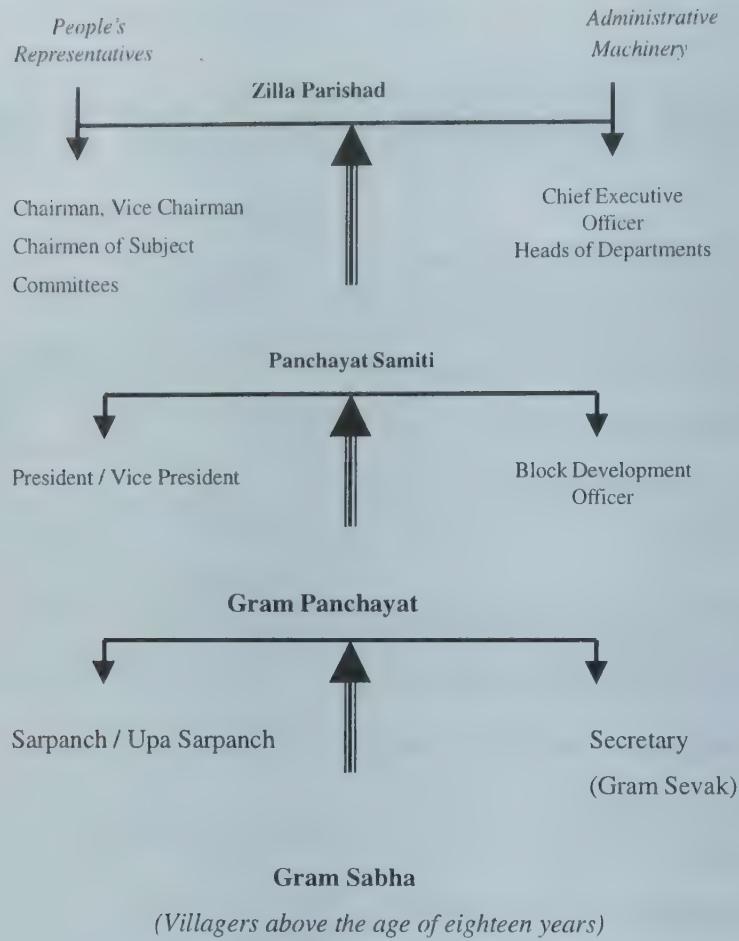
◆ A Key Institution

The Gram Panchayat is the lower-most in the three-tier system. Here, ordinary people can directly intervene in the process of governance and therefore, it is the most important institution in the Panchayati Raj structure and is the foundation of Indian democracy.

The Gram Panchayat operates in a particular geographical area whose boundaries are delineated. The village boundaries that have been demarcated for the purpose of collecting land revenue are used as the

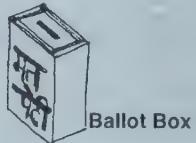


Three Tier Structure of Panchayati Raj



earlier demarcations.

◆ Gram Panchayat Elections

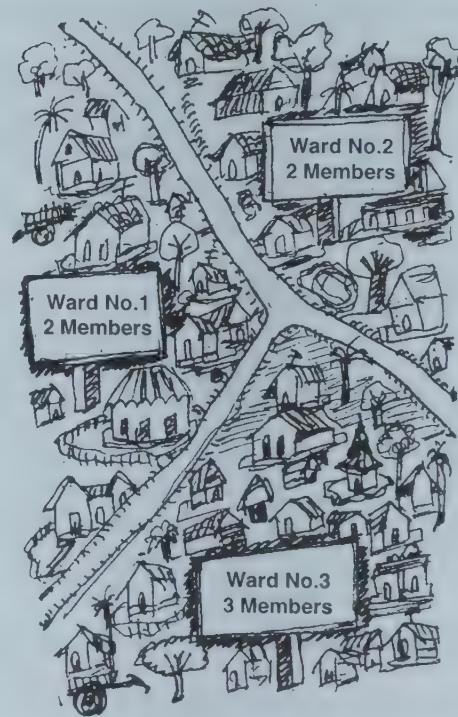


Our country has adopted representative democracy. The aspirations of people are supposed to be realized through the elected representatives. Hence, elections assume a crucial role to ensure that elected representatives face their voters periodically.

Each Panchayat should have not less than seven and not more than seventeen members. For the purpose of election, the village is divided into wards on the basis of the population. The number of members, wards, and the proportion of reserved seats is decided at the taluka and district levels.

basis for delineation. A population of at least 5000 is required for the establishment of a Gram Panchayat. If the population living within these boundaries is less than the population necessary for a Gram Panchayat, two or three neighbouring habitats are included into the jurisdiction of a Gram Panchayat.

The District or Zilla Parishad officials collect all the relevant information from each village. The Chief Executive Officer of the Zilla Parishad forwards this information to the Deputy Divisional Commissioner who designates those villages or groups of villages that qualify to have a Gram Panchayat. The State Government has powers to decide the status of the Gram Panchayat, continue or discontinue it, and make changes in



The following general criteria have been formulated for deciding ward wise number of members:

Population	Total no. of Gram Panchayat Members	No. of Wards	Ward wise division of members
600-1500	7	3	3+2+2
1501-3000	9	3	3+3+3
3001-4500	11	4	3+3+3+2
4501-6000	13	5	3+3+3+2+2
6001-7500	15	5	3+3+3+3+3
7501-10,000	17	6	3+3+3+3+3+2

To have free and fair elections, the following rules have been framed:

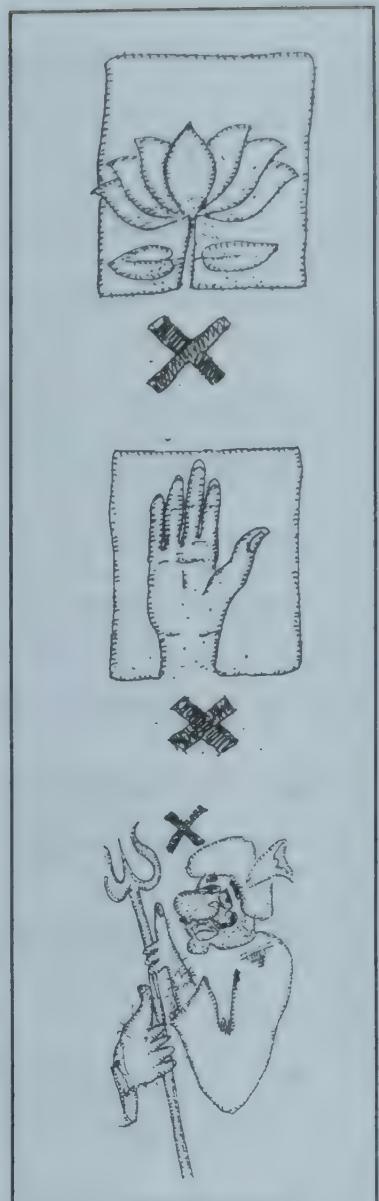
- Elections to Gram Panchayats are held every 5 years. The elected members are to perform their duties for these 5 years.
- Any person who has completed 21 years of age and is a resident of the village is eligible to contest the Gram Panchayat elections.
- Every person in the village who has completed 18 years of age is eligible to vote in the election.
- The candidate is required to make an application in the prescribed form provided by the election officer.
- The candidate can contest the election from any ward within the village. He/she can also simultaneously contest from another ward within the village.
- The fee for contesting on an open seat is Rs. 50/- at present, while it is Rs.10/- for reserved seats. The candidate receives a receipt for the amount paid.
- In case the candidate wants to withdraw from the election, he/she must make a written application within the stipulated period.
- After the stipulated period for withdrawal is over, the election officer publishes a list of final candidates. Each candidate is then allotted an independent symbol.
- Every candidate is permitted to spend a maximum of Rs.5000/- towards campaign expenses.

- The election officer is appointed six months before the term of the Gram Panchayat is over. He/she oversees the Gram Panchayat elections as per existing rules.
- The election cannot be contested in the name of a political party or the symbol of a political party.

The Code of Conduct

Every candidate is expected to follow rules framed by the Election Commission during the campaign. This is known as the “election code of conduct” -

- While appealing to voters for votes, the candidates must not do it on the grounds of religion, caste and language.
- The use of religious symbols and an appeal to religious sentiments is prohibited.
- Making mischievous allegations, character assassination, passing degrading remarks about the opponent is banned.
- The Election Commission can take action against a candidate who spends beyond the permitted expenditure for the campaign.
- No new construction work or implementation of any new schemes is permitted once the election is declared.



In case a candidate breaches the code of conduct, his/her opponent can file a case in the court of law. If proven guilty, the candidature can be declared null and void.

The Reality

The basic purpose of the Panchayati Raj System is devolution of political power in the hands of people and to enable them to participate in the development schemes of the village. However, the practical experience is not always so.

In many places, it is seen that it is only the local elite who contest elections time after time. They also get elected because of the economic power they wield in the village. They use the various schemes meant for the development of the village for their own benefit. With their financial power, they build their social and political clout in the village.

Very few people are able to display courage to contest Gram Panchayat elections against such people. Usually, the opponent is an equally powerful person. In these circumstances, the elections tend to resemble a battlefield. Many a times scores are injured and lives lost in clashes between various rival groups. There are numerous irregularities right from the filing of nomination to casting of votes. From booth capturing to obstruction of voters, from bribing and rigging to snatching and tearing up of ballot papers, every trick is used to win the election.

Further, a criminal-police-politician nexus works with impunity in blatant violation of the code of conduct and election guidelines. Under these circumstances, the weaker sections in the village like the poor, Dalits, tribals and women are unable to participate in the political process in their rightful sense. These are serious challenges for people committed to democratic decentralisation.



What Can Be Done?

- ☞ There are always some people in the villages who are keen to work in a selfless manner for the development of the village and the people. They make an effort to solve people's problems in their own limited manner. But they are unwilling to enter politics or contest elections. There is a need to persuade such people to contest elections and stand by them.
- ☞ Election provides an opportunity to air the opinions of those who are marginalised. Activists working in the area can initiate discussions amongst the villagers about their long neglected problems and create awareness amongst them about these issues.
- ☞ It is also possible to raise a voice against injustice through the medium of elections and those who perpetrate injustice. However, though election victories are important, it is equally important, to create awareness amongst people.



- As far as possible, a panel of candidates with similar views should be set up. This will help not only during the campaign but also later while managing the affairs of the Gram Panchayat.
- While appealing to voters, they should be informed about the candidate's plan of action for them and for the development of the village.
- In case the rival candidate makes use of liquor and money in the campaign, the support of small associations and organizations could be of great use to expose and counter such foul play. e.g. the youth groups, women's groups, Self-Help Groups, etc.

An effort should be made to involve voters through songs street-plays, posters, padayatras and other innovative methods. Besides, it provides an opportunity for creating public awareness and also entertainment at the same time.

◆ Financial Workings



The Panchayati Raj Institutions are authorised to prepare plans for economic development. Mere policy statements and legislations without adequate financial provisions and powers are like paper tigers. They need to be financially independent to become effective tools of grassroots democracy.

The Panchayati Raj Institutions are empowered to levy taxes and constitute the Gram Panchayat fund for necessary expenditure for village development. The State Government gives a specified ratio of the funds collected by the Gram Panchayat as an equalization grant.

All funds of the Gram Panchayat are kept with the taluka treasury office. If it is too far or inaccessible, the money can be deposited in any scheduled bank with the permission of the Panchayat Samiti. All monetary transactions of the Gram Panchayat are conducted jointly by the Sarpanch and the Gram Sevak. Both their signatures are required for this purpose.

The annual income and expenditure budget is prepared for the financial year starting from 1st April to 31st March. The Gram Sevak prepares this budget taking into consideration the suggestions of the Gram Panchayat members. It is necessary that the budget displays a balance between income and expenditure. Deficit budgets are not approved.

There are three stages in the preparation of the budget. In the first stage, the estimates of income and expenditure are prepared and sent to the Panchayat Samiti for approval. A budget once approved cannot be changed. Based on the approved budget the detailed estimates under different heads are worked out. Finally, the statement of actual income and expenditure is prepared.

Elections are not Only for Political Parties

RUDRA, an NGO was working to organise the tribals in Karjat and Khalapur tehsils of Raigad district in Maharashtra. The area was just about 40 kilometres from the mega city Mumbai. The tribals lived at the foot of Matheran hill station. Though in some villages they were in majority, they constituted less than 40% of the population of the entire tehsil. Hence, the area was not included in the tribal sub-plan. The tribals had no political clout or say in Panchayats.

When RUDRA took up issues like drinking water, schools and electricity, the powerful sections in the village had no problem in accepting these demands because they had nothing to lose from their own pocket. The CEO of the Zilla Parishad was also quite sympathetic towards these demands. The difficulty arose when tribals approached various departments like MSEB, PWD, Education Department, etc. This was because these departments had already sent reports to the State Government saying that the concerned villages had already been provided with these basic amenities.

It was then that RUDRA along with the tribals started negotiating with the administration. Their demand was that they should consider the wadi (tribal habitation) and not the revenue village as a unit of development. But the administration was not ready to budge, as accepting this demand would mean admitting that their work so far had been unsatisfactory. The tribals then took out rallies, dharnas, etc. Eventually, the CEO agreed for a dialogue. RUDRA was able to convince the CEO, who then took an initiative to propose plans as per RUDRA's demands. The CEO also got the plans sanctioned in the General Body of the Zilla Parishad.

However, there were more difficulties. Sanction by the General Body of the Zilla Parishad does not mean financial authorization as well. The power to sanction funds is with the District Planning and Development Committee (DPDC). This body consists of all the elected MLAs of the district, the MP who represents the district, the President of the Zilla Parishad, the Collector and the CEO. The proposal went to DPDC four to five times. But funds were not sanctioned. RUDRA realized that getting finance was even more difficult than getting administrative sanction. Since the sympathies of only the CEO were not sufficient, they felt the need to have at least a few members of DPDC on their side. Subsequently, RUDRA started talks with the MLAs. So far RUDRA remained apolitical.

Soon the elections for the State assembly were declared. RUDRA started discussions with prospective candidates. The candidate of Peasants and Workers Party (PWP) agreed to follow up the tribals' demands at the Zilla Parishad and other levels. Thus, inevitably, they had to drop their apolitical stand.

RUDRA supported PWP not as a NGO, but as an independent people's organisation. During this entire process they strictly observed some rules and restrictions. For example, none of the organisation members could join the party. Even though they campaigned for the party, they never carried the party flag with them. They never accepted any kind of monetary support from the party. Strict observance of rules and restrictions helped them gain a good bargaining position. The PWP candidate won the election and in the second meeting of the DPDC, all the demands made by the tribals received financial sanction.

Thus RUDRA learnt :

- ❖ District level politics plays a big role in the lives of people at the village level. This is the reason no group or NGO can remain apolitical.
- ❖ One might not participate in electioneering but creating a consensus within the organisation about who would be the most suitable candidate is important. Then the votes of the organisation will not get divided and will go to the appropriate candidate.
- ❖ Depending on the issues and the context, sometimes it is imperative to participate in electioneering too.
- ❖ While participating in electoral politics, the group, organisation or NGO has to be very careful and clear about what they want and what they can or cannot do.
- ❖ In case activists themselves contest elections, they must be quite clear about their motivations and be well aware of the implications of party politics.

Source : RUDRA, Maharashtra

Sources of Income of the Gram Panchayat

The sources of income for the Gram Panchayat are from the State in the form of grants and various schemes and through taxes that the Gram Panchayat collects.

1. Government Grants
2. Grants from the Taluka Panchayat
3. Grants from the ZP
4. Taxes
5. Sale of items not in use by the Gram Panchayat
6. Any interest earned on funds invested by the Gram Panchayat
7. Stamp duty levied on different types of transactions

The actual income and expenditure account must reflect the previous year's balance, the current income of the Gram Panchayat, and Rs.1,25,000, a common grant to all Gram Panchayats. It is necessary to have the income and expenditure audited by a certified auditor every year. The audited statements have to be sent to the Panchayat Samiti and the Zilla Parishad.

Thereafter, the accounts should be

placed before the Gram Sabha, for purpose of transparency and social accountability. All voters are entitled to get information about the income and expenditure of the Gram Panchayat in the Gram Sabha. It is the duty and responsibility of the Sarpanch and the Gram Sevak to answer any questions or doubts raised by the people.

Guidelines About Expenditure

The Gram Panchayat can incur the expenditure as per the following guidelines:

- a) Central Government Grants are for social welfare schemes especially for SC, ST families and any approved rural development programmes. The grant can also be used for the payment of electricity bills, furniture and transport.
- b) Local Income - If the income earned from local sources such as taxes, rent, entertainment tax, etc is more than Rs.35,000/- a year, the Gram Panchayat can appoint a person to collect taxes, with the approval of the Panchayat Samiti. 40% of the locally collected income can be used towards staff salaries and 60% has to be allocated for different village development schemes out of which at least 20% must be spent only for development of scheduled castes.
- c) The Gram Panchayat gives the Sarpanch an honorarium of Rs. 300/- and the Upasaranpanch Rs. 150/- every month. Every member is paid Rs. 20/- for the monthly meeting. Allocation is made in the budget for this expenditure.

Some Hurdles

A common experience is that the funds given to the Panchayats are mostly delayed. Such is the problem faced by the Panchayats that on March 26, 1997 the Sarpanchs in all 1,104 Mandals in the 23 districts of Andhra Pradesh had to organise a protest against the government's lack of response to the need of village Panchayats and blockage of funds.

Certain common difficulties that hamper the functioning of Panchayats are briefly indicated below:

- Panchayat's own resources are limited. This is the result of both poor taxation and poor collection of taxes.
- Panchayati Raj Institutions depend considerably on the State Governments for grants in various forms. Such grants would include matching grants, equalisation grants, special grants etc. In effect, the State Government controls the programme funds, and therefore, Panchayats tend to follow the State's directions.
- Government funds do not reach the Panchayat on time.
- Substantial amount of taxes like sales tax, motor vehicles tax, etc. are not shared with the Panchayats. Similarly, excise duty is also not shared.
- Since the Panchayat finances do not follow the principles of commercial finance, availability of institutional finances is not too encouraging.

Lesson in a cup of tea

Kurduwadi is a taluka in the Solapur district of Maharashtra. Bittargaon is a small village near Kurduwadi. An all-women Gram Panchayat was elected here from 1989 to 1994. Bittargaon had always faced an acute shortage of water, and the women suffered when water levels sank too deep. In a ghastly incident, two women of the village had fallen into the well while drawing water. This was a very shocking experience for the women. The Gram Panchayat took a decision to build a large water tank in the village. Accordingly, an application was sent to the Panchayat Samiti. A number of reminders were sent from time to time. Despite their best efforts, the funds were not sanctioned.

Once when the local MLA decided to visit the village, Satyabhamabai, the Sarpanch, thought of a novel method of using this opportunity to draw attention to their problem. "Our MLA is visiting the village," she said. "No one should offer him water or tea". When the MLA came to the village, the Sarpanch said, "You have taken lot of trouble to visit our village. Tradition calls that we offer you water and tea. But, what can we do Saheb? Not a single house has even a small pot of water. We cannot help it!" The MLA understood the message and the money for the water tank was immediately sanctioned! Today this water tank is a landmark in the village. There are public water taps for everyone.

Source: Alochana, Pune.

Innovation in Kerala

Decentralisation planning was introduced in Kerala from the fiscal year 1997-98. The State Planning Board had issued guidelines that the Gram Panchayats should spend approximately a) 40 % of the allocation on increasing production b) 30 % on infrastructure development and c) 30 % on services such as water supply or subsidised housing for the poor.

One Gram Panchayat interpreted the guidelines in an innovative manner. This Gram Panchayat had a considerable extent of swampy area, which was uncultivable and was breeding mosquitoes. The solution was simple.

They dug a long and deep trench where the rainwater could collect. The reed from the swampy area was cleared and burnt to make good organic fertilizer. Then they raised the level of the swampy area with the mud from the trench. This increased the cultivable area by some 300 hectares. A small check dam was also erected to store and use the rainwater for irrigation, with a system of letting the rainwater flow out to the sea but at the same time, preventing the entry of saline water.

This programme combined provisions (a) and (b) to solve its most pressing problem. Around 70 % of the total funds allocated to the Panchayat were spent on this project, which was in no way in accordance with the guidelines prescribed. Thus the accounts were creatively prepared. It described the expenditure as a "composite" programme, involving both 'infrastructure development' and 'increase in production' since additional cultivable land was made available. Incidentally, the Sarpanch who had created, planned and implemented the project, was just a matriculate.

His enthusiasm got support from many quarters. An Assistant Engineer was happy to give all technical support to him. The local people also supported in terms of free labour. They worked for six hours a day for over a month. Free meals were supplied by families in the neighbourhood, who stood to gain from the project.

Source: Panchayati Raj Update, May 1999. ISS, New Delhi.

Devolution of fund to Panchayati Raj Institutions in meager amounts and in an inflexible manner leaves hardly any room for the Panchayats to spend as per their priorities. Not only is the manner of financing Panchayat programmes not satisfactory or effective, the planning process also presents a grim picture. It has become synonymous with the mere compilation of the break-up of funds as decided at the State level.

The bureaucracy as well as development process today are totally alienated from the people. People view themselves as mere beneficiaries or objects rather than partners in the development process. The 73rd Amendment paves the way for local self-governance and entrusts the responsibility of district planning to the local bodies. It is an attempt to turn the democratic system from top-downwards to bottom-upwards. It requires a basic attitudinal change of all the key players i.e. elected representatives, officials, experts (academicians, NGOs, technicians etc.) and the people at large.



AN EMPOWERING STRUCTURE

A decentralised administrative structure with adequate powers is necessary for greater participation of citizens in governance. The 73rd Constitutional Amendment provides for state legislatures to endow the Panchayats with powers to prepare and implement plans for economic development and social justice. The Panchayats are responsible for amelioration of the condition of Scheduled Castes, Scheduled Tribes and Other Backward Classes. They also have the powers to carry out measures to promote health, safety, education, cultural and general well-being of the inhabitants of the village.

◆ Tasks for the Gram Panchayat

- Construction and maintenance of small roads, school buildings, water supply, drainage, sewage system and public toilets
- Control and regulation of building construction within the village and allotment of numbers to them
- Lease and sale of public land
- Taxation of various types and its collection
- Protection of crops from stray animals
- Provision of space for anganwadis and balwadis
- Development of the village through schemes like the National Employment Scheme and Jawahar Rozgar Yojana
- Making available economic opportunities to the economically weaker sections of the village
- The Panchayats can make provision for any public reception,



ceremony, or entertainment within the village by passing resolution in its meeting with two third of the majority or may make a contribution towards an annual gathering of Panchayats in the district or at the State levels.

Apart from all these, the Panchayats have the long term responsibility of planning and implementation of government rural development schemes.

◆ Sub-Committees

In order to carry out these functions effectively, the Gram Panchayat can establish sub-committees from within its own elected members. The committees are set up as per the needs and requirements of the village for e.g. social forestry, prohibition, watershed development, adult education, etc.

- Usually, such committees have five members, who are nominated from among the elected Gram Panchayat members.
- The tenure of the committee is decided by the Gram Panchayat, but can extend up to a maximum of five years.
- The committee can be dissolved through a Gram Panchayat resolution.
- The Gram Sevak functions as the secretary of all these committees.
- These committees meet once in a month.
- Their functions are to place proposals related to their own area of work before the Gram Panchayat and to ensure that sanctioned work is completed within the stipulated period.
- The proposals are forwarded to the BDO for approval, who in turn sends them to the Panchayat Samiti and the Zilla Parishad. Once the Zilla Parishad gives its approval, implementation is carried out at the village level.

It is often the case that the people are not aware that specific committees of this kind exist or can



be formed. Mandatory committees like the Gramshikshan Samiti are formed by the initiative of the administration, and hence people know of their existence. People are also not able to participate meaningfully because of lack of information ..

◆ What Can the Activist Do?

Village level activists have a definite role to play in ensuring that people benefit from village development schemes. For example, the issue of providing drinking water in the village school can be raised for discussion amongst the villagers. Similarly, the issue of road repairs, water supply, forestry, percolation tanks, etc. can be taken up collectively.

Pamphlets giving information about these schemes along with application forms for these schemes are available in the Gram Panchayat or Panchayat Samiti office free of cost. There is no need to pay any money to have loans and subsidies sanctioned or to obtain birth, death and marriage certificates. Activists can ensure that the villagers are made aware of such facilities.

Kanvehalli Panchayat Bows to the Will of Women

Ten Indira Awaas Yojana houses were sanctioned to the village Kanvehalli in Davangere District of Karnataka. The corrupt Panchayat members, especially Mr. Kotresh allotted these houses to his acquaintances, who were not needy.

In November 1997, when the construction of these houses started, three women's self-help groups consisting of 45 members came to know of this favouritism. They united against this unjust construction. Initially they wrote a letter to the District Administration complaining about the misappropriation. No response was received from the District Administration. After deliberation for about a week, in February 1998 they held a 'dharna' at the site and stopped the construction work.

The Panchayat members, led by Mr. Chaudapa, then went to the Ittigi police station and complained against the leaders of these groups, Mrs. Santama, Mrs. Premva and Mrs. Hosuramma, to undermine their protests. When the police came to arrest these three women, they refused to be arrested on the grounds that no lady police had come along. Then all the women went to the police station together to court arrest, as they did not want their leaders to become the target. They told the Police Inspector, Mr. Bhimappa, that their actions so far had been taken with consensus and no one should be singled out. At first, he became angry with the women. But when the women persisted and argued their case, he suggested that the women meet the Executive Officer (EO) H.M. Kotreya of the Harpanhalli taluka to resolve this problem. He himself called up the EO to convey the matter to him.

When the women came to meet Mr. Kotreya and demanded that the previous allotment of the houses be cancelled, the demand was not met. However, he offered to sanction another lot of ten houses to the beneficiaries whom the self-help group would identify. Thus, ten other houses were sanctioned out of which four were allotted to poor members of the self-help groups and the rest to other poor families identified by the women.

It so happened that during the construction of these reallocated houses, the women found that the cement concrete mixture being used was of inferior quality. This was again due to the misappropriation of funds. The women once more joined hands and pressurised the engineer to stop this malpractice. They threatened to lodge a complaint with the senior officer. Since then, construction proceeded smoothly.

Source: NCAS, Pune

◆ Spaces for Transparency

In order to ensure maximum transparency in the functioning of the Gram Panchayat, the Panchayat Raj system has made a provision for monthly meetings and Gram Sabhas.

A meeting of all elected members of the Gram Panchayat is held every month. The month's work is reviewed in this meeting and a detailed analysis of income and expenditure before it is approved. The next month's activities and expenditure are discussed. Also, circulars and letters received from the Panchayat Samiti and Zilla Parishad are discussed. Various applications received are placed before the meeting and decisions taken on them.

Births, deaths and marriages registered during the previous month are noted, tax collections reviewed. All these records are maintained with the Gram Panchayat for a period of two years. They are available thereafter with the Panchayat Samiti. It is, therefore, necessary to preserve these certificates carefully. Besides this routine work, important issues arising at that particular time e.g. water purification during the monsoon or important emergency issues like water shortages during the summer are also taken up. The Sarpanch presides over the monthly meetings, while the Gram Sevak takes notes and minutes. He also looks after the documentation, filing etc. The time and place of meeting, and the procedure at the meeting of the Panchayat is as per the prescribed rules.

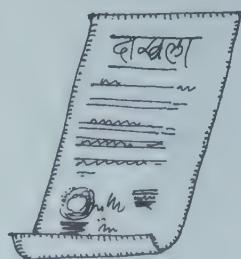
Let People Decide

In Maharashtra, the Panchayat Samiti declares the dates for holding Gram Sabhas. For example, it decides a particular date for the entire Pune district or Bhor taluka, and all Gram Sabhas in the taluka or district are held on that day.

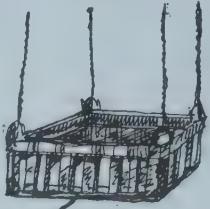
But this system of declaring dates creates problems because it does not consider whether it is convenient for a particular village to hold Gram Sabha on that particular date or not. For instance, Paudgaon could not hold Gram Sabha because there was a marriage in the village on the same day. Some villages have complained that they could not hold Gram Sabha because the date fell during the days they had to harvest their crops. So it is best that the people themselves decide the exact date for Gram Sabha keeping in mind the convenience of most people. The convenience of women needs to be considered particularly because besides farming, marketing and animal husbandry they are also busy with domestic chores. Thus, most of the time they are unable to attend. But no Gram Sabha is complete if half its population does not participate.

Source: Alochana, Pune.

Certificate



Birth



Marriage



Death



◆ Gram Sabha : the Backbone of Panchayati Raj

The word 'Gram Sabha' literally means 'assembly of the village'. The 73rd amendment has recognised the Gram Sabha as the general body of the village. All the adults whose names are registered as voters are its members. Marginalised sections like Dalits, tribals, backward castes and women have the opportunity to actively participate in the political process and have their say in the development of their villages through the Gram Sabha. It also works as a check on the Gram Panchayat and monitors its functioning.

It is mandatory for every Gram Panchayat to organise at least four Gram Sabhas in a year. The dates for two Gram Sabhas are fixed as the 26th of January and 15th of August every year. If one Gram Sabha is held in April-May, the other should be held around Oct- November. Additional Gram Sabhas can be organised if necessary. They are called 'Special Gram Sabhas'. Any member of the Gram Sabha i.e. a voter in the village can call such a Gram Sabha. However, it is necessary to submit an application with the signature of at least half the number of voters to the Gram Panchayat for such a Special Gram Sabha.

The following issues are generally taken up for discussion in the Gram Sabha:

- Previous year's accounts of income and expenditure and its audited report, any queries raised by the auditor, replies given to him, and the new year's budget.
- Information about new government schemes, amendments to taxation rules, new taxes, different committees to oversee the implementation of village development schemes, distribution of responsibilities and appointing committees for these works (e.g. adult education, prohibition, aorestation, water conservation).
- Preparation of list of beneficiaries for the government



schemes for economic upliftment (e.g. persons below poverty line, people belonging to the scheduled tribes, deserted women having no support).

- Informing people about various orders and notices coming from the Central and State Governments.
- Discussion on any other matter that has come through the Gram Panchayat which the Standing Committee or the CEO of the Panchayat Samiti wishes to place before the Gram Sabha.
- In addition, a Gram Sabha carries out other functions as per any special order from the Central or State Government.

The Gram Sabha takes decisions on issues discussed by a resolution. For e.g. if the roads in the village need to be repaired, it is discussed in the Gram Sabha. A resolution is passed about the road repairs.

On the basis of this resolution, the Gram Panchayat can ask the Panchayat Samiti to sanction its demand.

Rules for the Gram Sabha

- The notice for the Gram Sabha must be displayed in the Gram Panchayat office at least seven days before the scheduled date.
- All villagers are to be informed through a public announcement.
- For a special meeting, the notice and public announcement can be made four days in advance.
- At least 15% of the voters must be present at the Gram Sabha. If the quorum is not complete, then the meeting is adjourned and a new date is fixed.
- The Sarpanch presides over the Gram Sabha. In his absence, the Deputy Sarpanch conducts the meeting.

Set the Date for Gram Sabha

In Gauria village of Uttar Pradesh, women decided to attend the Gram Sabha meeting because an important decision regarding drinking water was to be taken. So 60 women came for the Gram Sabha. Unfortunately, the required quorum was not present that day so the meeting was cancelled. The Sarpanch told them that they would be informed about the next meeting later.

However, work started on the water scheme. The women were left wondering how that was possible without a decision in the Gram Sabha. Later they came to know that a Gram Sabha was convened the very next day and the decisions were taken without the quorum. They had been cheated.

It need not have been so. If a Gram Sabha is cancelled because the required quorum is not present, the date for the next meeting should be decided then and there, before people disperse. This is so because the following meeting can be officially conducted and decisions taken even without the quorum, as had happened in the above case.

Source: Alochana, Pune.

- Any voter is free to ask any question about the Gram Panchayat's work during the Gram Sabha. It is mandatory for the Chairperson to give an oral answer.
- The discussion and decisions taken in the Gram Sabha are recorded in a register maintained for that purpose.
- It is mandatory that the Gram Panchayat members present in the Gram Sabha sign the minutes.
- In case the four-Gram Sabhas do not take place annually, the Sarpanch and Deputy Sarpanch can be removed from the office if a complaint is lodged against them.

Government Officers Made to Attend

In the village Kumaranhalli in Karnataka no government representative attended the Gram Sabha. The village people were angry. When the next Gram Sabha was announced, the villagers decided that the Gram Sabha would be held only when all the 21 government officers attend it. The next day only four officers attended the meeting. The Gram Sabha was adjourned - and it was recorded that this was because the government officers had not attended. As a result the remaining officers were forced to attend it when it was held during next week.

Source: Alocana , Pune

Why is the Gram Sabha Important?

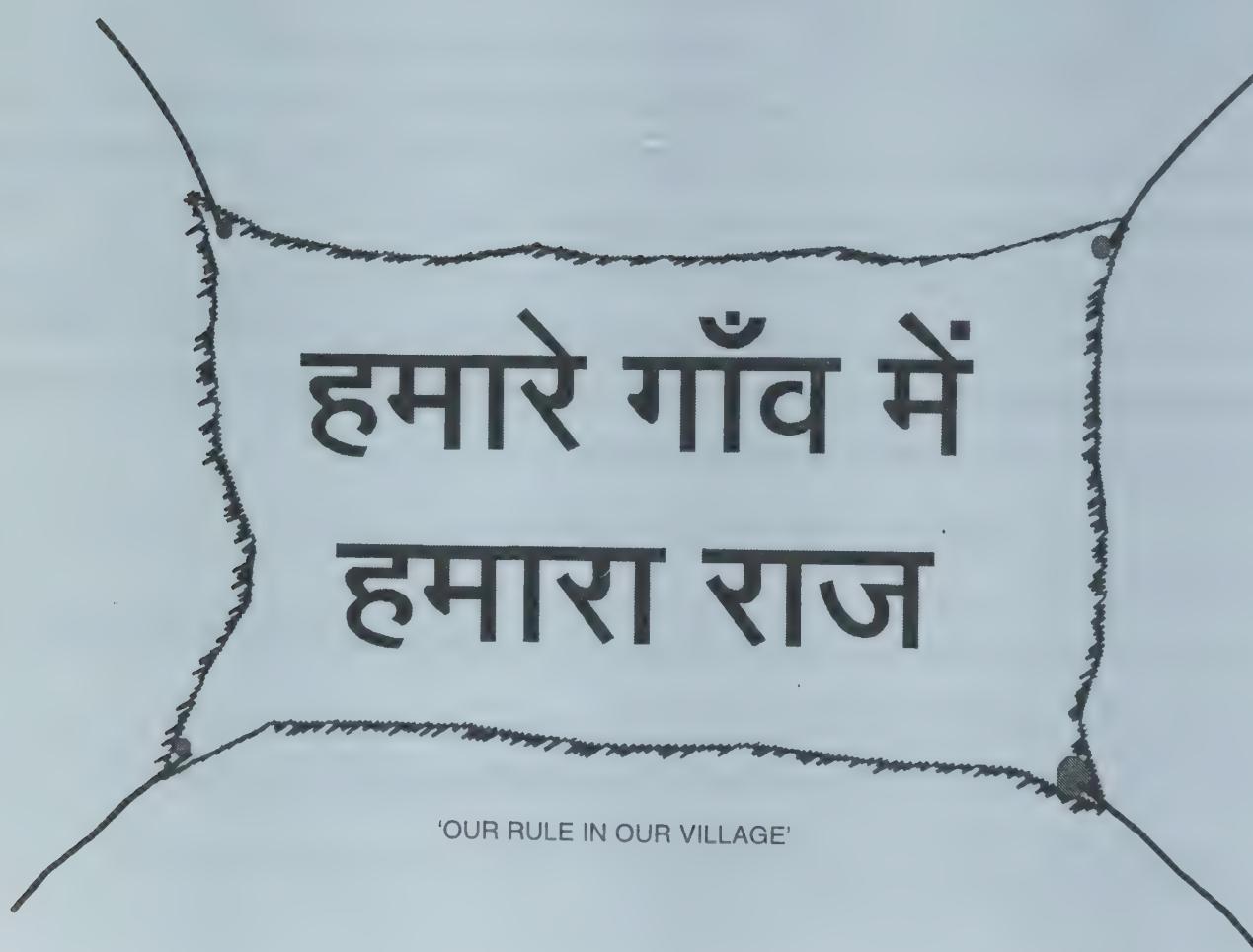
The Gram Sabha is where villagers can voice their difficulties, complaints and requirements. For e.g. the women in the village can demand a balwadi, or ask for regular and better water supply. It is a place where Panchayat members can be questioned and held answerable. Here, people of the village gain information about various development schemes run by the government. If these are discussed in public, it leaves little space for corrupt practices. The purpose of the Gram Sabha is to ensure that the Gram Panchayat functions democratically. It also ensures that the Gram Panchayat takes notice of the prevailing public opinion and functions accordingly. People can ensure transparency and accountability of the Panchayats by raising questions and seeking information at Gram Sabhas. For the activist, the Gram Sabha is an important avenue for raising and developing the consciousness of ordinary people about their rights and responsibilities.

Troubling Discrepancies

- Though the Gram Panchayat has to consider the suggestions made by the Gram Sabha, it is not bound to implement them.
- The Gram Sabha has not been given the authority to approve and sanction the annual budget and development programmes.

- If the Sarpanch fails to hold meeting of the Gram Sabha without sufficient cause, he is liable to be disqualified. But the effectiveness of the provision is lost because the decision of the Collector on the question whether or not there was such sufficient cause for it, is considered final. Such a decision could be arbitrary depending on the personal inclination of the Collector.
- The provisions and powers of the Gram Sabha with respect to Panchayat Acts are different in different states.

While it is mandatory for 100 people to be present for a Gram Sabha meeting, few take place according to this rule. The numbers are often present only on paper. Often there is no publicity about the meeting. If the villagers are not vigilant, and do not attend Gram Sabhas, the foundation of Panchayati Raj will remain weak. People do not participate because most meetings only stress on administrative work. They feel that their opinions cannot be aired here. Gram Sabhas should not be allowed to turn into a mere formality. People have to be informed and educated to view the Gram Sabha as a forum to discuss not only local issues, but issues at the district, state and national levels too. The Gram Sabhas can thus become strong, basic units of democracy.



PILLARS OF THE GRAM PANCHAYAT

The success of any activity or programme depends upon the people who are involved in its planning and implementation, their commitment towards their job and the clarity about their roles and responsibilities. In the Gram Panchayat the Sarpanch, Upsarpanch and the Gram Sevak play this crucial role. The executive powers and the implementation of resolutions passed by the Panchayat are vested in the Sarpanch who is directly responsible for the fulfillment of the duties imposed upon him by the Panchayat.

Once the elections are over the District Collector calls a meeting of elected members and two of them are elected as Sarpanch and Deputy Sarpanch respectively. The Sarpanch once elected, cannot hold any other post within the Panchayat Raj system e.g. President or Vice President of Zilla Parishad or of any subject committee of the Zilla Parishad, or Sabhapati or Deputy Sabhapati of the Panchayat Samiti. If a Sarpanch is elected to any of these positions, his office as Sarpanch becomes vacant from the date of such election. The elected Sarpanch and Deputy Sarpanch can resign from their offices. Once the resignation is accepted, the Gram Panchayat members elect a new Sarpanch and Deputy Sarpanch.

◆ Reservations for Sarpanch and Upsarpanch

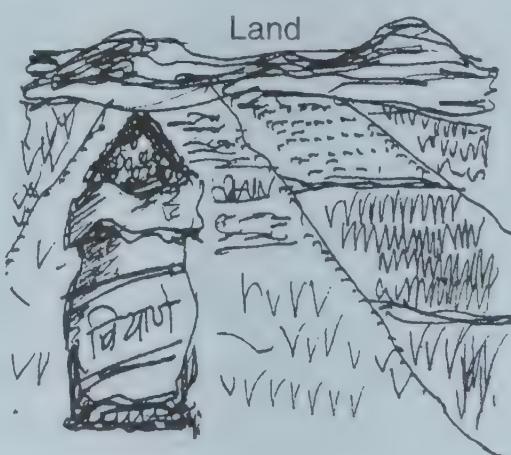
The offices of the Sarpanch and Up-sarapanch in the Panchayats are reserved for the members belonging to the Scheduled Castes, Scheduled Tribes, Backward Class and women in the following manner:

- a. One-third of the total number of offices of Sarpanch in the state are reserved for women.
- b. 27 % of the total number of the offices of Sarpanch in the state are reserved for Backward Class citizens and one-third among these offices are reserved for women from the Backward Class.
- c. The number of offices of Sarpanch reserved for the Scheduled Castes and the Scheduled Tribes is in proportion to the percentage of the population of the Scheduled Castes or the Scheduled Tribes in the state.

- d. Not less than 50% of the total number of seats in Scheduled Areas are reserved for Scheduled Tribes.
- e. In Scheduled Areas all seats of Sarpanch are reserved for Scheduled Tribes.
- f. Of the offices reserved for Scheduled Castes and Scheduled Tribes, not less than 1/3rd are reserved for Scheduled Caste and Scheduled Tribe women.
- g. The number of seats reserved for the offices of Sarpanch are allotted by rotation to different Panchayats.

◆ Duties of the Sarpanch

- Presiding over the Gram Panchayat meeting
- Ensuring that records of Gram Panchayat work and accounts are kept by the Gram Sevak and signing them
- Calling a monthly meeting of the elected members and taking note of issues such as water distributions, etc.
- Supervising the schools and encouraging educational development
- Calling the Gram Sabha meeting four times in a year and presiding over these meetings
- Making sure that roads, common grazing lands and other public land is not encroached upon
- Awarding birth, death, marriage and income certificates to residents
- Supervising the study of village problems and suggesting solutions to help the needy during the time of natural calamities like floods, earthquake, drought, etc.



◆ Duties of the Upsarpanch

Unlike in the case of the Sarpanch, an Upsarpanch retains the position even when elected as a Councillor of Zilla Parishad. If the Sarpanch remains absent for more than 15 days, the Upsarpanch is expected to take over the powers and duties of the Sarpanch. However, the Upsarpanch **cannot do** the following work without a resolution from the members:

- Call and preside over the Gram Panchayat meeting in absence of the Sarpanch
- Make any payments other than for salaries and labour charges
- Return money on behalf of the Gram Panchayat to any party
- Change or cancel a previous decision of the Sarpanch
- Start new work or stop ongoing work
- Dismiss a temporary employee
- Use Gram Panchayat Funds

In case the Sarpanch and Upsarpanch are absent, the Panchayat Samiti can nominate any member of a Gram Sabha, who is qualified to be elected as a member of the Panchayat, but without any voting rights.

◆ Motion of No-Confidence

Many a times, the Sarpanch and Deputy Sarpanch do not perform their duties in the public interest and there are complaints about their functioning. Also, in some villages, the Sarpanchs start behaving as if they own the Gram Panchayat, and try to maintain their position to meet selfish ends. They keep people deliberately ignorant about the functioning and about the various schemes intended for the economic development of the people. At such times, a motion of no-confidence can be passed against them.

- The motion against the Sarpanch or Upsarpanch needs to be moved by at least one-third of the



members of the Gram Panchayats.

- The motion with required backing should be submitted to the Tahsildar, who within a week of the receipt of the motion has to convene a special meeting of the Gram Panchayat to discuss the motion.
- All the members authorised to attend the regular Gram Panchayats meetings can attend this special meeting.
- An opportunity is provided to the Sarpanch or Upsarpanch to defend their case. They also have the right to vote.
- In case the aggrieved party finds it necessary to appeal against the motion, they can do so within a period of seven days from the date on which the motion was carried. They then have to approach the office of the Collector.
- The Collector, within fifteen days of the receipt of the appeal, gives his final decision on the matter, which can be subjected to further appeal.
- In case the aggrieved parties are not satisfied with the Collector's decision, they can appeal against the decision of the Collector to the office of the Commissioner within a period of seven days of the decision.
- The Commissioner will, within fifteen days of the receipt of the appeal, decide on the matter. This is deemed final.
- In case there is no appeal against the motion either before the Collector or the Commissioner, the motion is carried out by the Tahsildar in the special Gram Panchayat meeting by two-third of the majority of the members present.
- In case the motion cannot be carried with sufficient majority or is defeated due to other reasons, any such motion cannot be moved against the Sarpanch or Upa-Sarpanch for one year.

It is important for the village level activists to recognise the collective strength of people. They can pressurise the other Panchayat members to carry a no-confidence motion against corrupt and inefficient office-bearers. If the motion is accepted, the Sarpanch and Deputy Sarpanch must relinquish their posts. When the office of both Sarpanch and Upsarpanch falls vacant on account of no-confidence motion, the District Village Panchayat Officer presides over as the Sarpanch of the Panchayat till new Sarpanch and Upsarpanch are elected by the Gram Panchayat members. He / she can carry out all the functions of the Sarpanch, but does not have a voting right.

Woman Sarpanch Dislodged for Cleaning Toilets

There were 18 Scheduled Castes members in Besagarahalli Gram Panchayat in Mandya District (Karnataka), which had a total of 26 members. Adiamma was the only woman Scheduled Castes member. She cleaned the toilets of the local police station and also worked as an agricultural labourer to earn her bread. The Congress (I), which enjoyed a majority in the Panchayat, decided to field her for the post of Sarpanch as they thought that she would be a mere figurehead.

Adiamma continued to clean toilets even after she became the Sarpanch of her village. She took her new job in earnest and made it a mission to improve the plight of the villagers. At her initiative all the encroachments near the local bus stand were cleared and the procedure of issuing of ration cards was simplified. The efficient and transparent way in which she was handling Panchayat affairs alarmed other members who now began to find fault with her. The conspiracy was to force her to resign. But Adiamma refused to budge. Then, they resorted to boycotting Panchayat meetings. Three consecutive meetings had to be postponed because of lack of quorum.

When nothing else worked, the device of a no-confidence motion was used as has been done in large number of Panchayats to get rid of unwanted Dalits or women members. A no-confidence motion was moved - which contained no charges against Adiamma - and passed with the support of Congress (I) and Janta Dal members. Those who voted against Adiamma publicly claimed that she was not acceptable as she continued to clean toilets even after being elected. However, Adiamma did not lose heart. She resolved to contest the next Panchayat elections for her rightful place.

Source: Panchayati Raj Update, June, 1999. ISS. New Delhi.

The no-confidence motion is a double-edged sword that can be misused, especially because class, caste and gender prejudices work against the marginalised sections of society. It is being increasingly noticed that the dominant sections of the society are creating new ways of negating the gains made from the 73rd Amendment. But it is possible to counter these tactics by mobilising people's power.

◆ Struggle in Vansajda

This is what happened with Sakriben of Vansajda village of Gandhigram district in Gujarat. The village mainly consists of a Dalit community, Senama. This community is socio-economically the most backward community among Dalits in Gujarat. Rabaris and Desais are the powerful upper caste communities of the village. Such is their dominance that they have decreed that Dalit women cannot wear embroidered ghagras or carry a metal pitcher for fetching water. The men cannot wear shoes or tuck their shirt in front of the upper caste people. In 1995, upper caste people had burned down all the Dalit houses and shops to ashes, but no action was taken against them.

In this backdrop, Sakriben, a Dalit woman, decided to contest for the post of Sarpanch in 1996 elections. The post was reserved for Dalit women under the 73rd amendment. When she was elected, she tried her best to improve village conditions. She got a new school building constructed and began efforts to run a bus service from village to the taluka and district headquarters. Sakriben also helped 19 Dalit families benefit from HUDCO's housing scheme. Another priority was digging borewells and

setting up piped water supply to benefit all households. Her husband, *Sukhabhai Pashabhai*, who was a member of the Panchayat, stood by her steadily. All these developments were too much for the Rabaris and Desais to swallow. They began creating problems. First, they did not let Sakriben hoist the National Flag in the Panchayat Bhawan on Independence Day, on the grounds that she was an untouchable and would 'pollute' the National Flag. Later they opposed the appointment of a Dalit, Natubhai, as operator of the water system. They said, "a Dalit's touch would pollute the water". Little did it matter that untouchability has been abolished and its practice in any form is forbidden in Article 17 of the Indian Constitution. They tried to pressurise Sakriben to remove Natubhai and resign from her post. But Sakribai stood her ground. This further enraged the Rabaris and Desais.

Senemas Withstand Repression

On 20 October 1999, they attacked Sukhabhai and beat him mercilessly. His legs were broken, chest smashed, his head was hit with a sharp weapon, and he was left lying in a pool of blood. Since everyone was afraid of the Rabaris and Desais, no one dared to take him to the hospital. Finally, a village youth, Arvindbhai, gathered courage to take him to a hospital in Kalol taluka. Nobody visited him there and Sakriben was left all alone to deal with the situation. Fortunately, she met Dineshbhai of Navsarjan, an Ahmedabad based NGO. Dineshbhai brought her case to the organization. When Navsarjan shifted Sukhabhai to the civil hospital in Ahmedabad, he was thrown out of the hospital within 5 days because of political pressure. He was subsequently admitted to a private hospital and treated till November 3, 1999.

Navsarjan then started mobilising the Senema community. Their purpose was to eliminate the fear of the upper castes. Gradually, the community that had for long lived in fear got united. They took a historical decision - the Rabaris and Desais were banned from entering the Dalit locality. Posters and wall-writings proclaimed this ban defiantly. They stopped the daily supply of 40 litres of milk to upper caste families and refused to work in their households or farms. They also refused to handle the dead bodies of upper caste people.

But their struggle was far from over. The Rabaris and Desais retaliated by removing Sakriben from the post of Sarpanch after a no-confidence motion. She was allegedly charged with misusing her power and using the Panchayat's money willfully for her own community and for personal interest. With the villagers rallying behind her, she challenged the decision before the District Development Officer (DDO) and State Development Commissioner (SDC) in Gandhinagar. The SDC passed the judgement in favour of Sakriben and she was reinstated as Sarpanch of Vansajda. The villagers are now determined that Sakriben will definitely hoist the National Flag during the coming Independence Day celebrations.

Source : Navsarjan, Ahmedabad.

◆ Gram Sevak : the Link



The Gram Sevak works as the Secretary to the Gram Panchayat. As the name suggests, the Gram Sevak serves the village. He/she is a literate, educated person appointed by the Zilla Parishad. This post is of a permanent nature. The Gram Sevak represents the administration in the Gram Panchayat office and is the link between the administration and the Gram Panchayat. The Gram Sevak has an important role to play in the functioning of the Gram Panchayat. This is because all economic and management functions are vested in him along with the Sarpanch. The Gram Sevak is expected to work in an unbiased manner.

Duties of the Gram Sevak

- To assist the Sarpanch is one of the regular duties
- To keep the Gram Panchayat members informed about the laws and regulations related to the Gram Panchayat
- To prepare the budget of the Gram Panchayat, getting it approved by the Gram Panchayat and sending it for further action to the Panchayat Samiti
- To prepare the list of beneficiaries in consultation with the Gram Panchayat members.
- To keep the accounts of the Panchayat
- To prepare the monthly progress reports and accounts, place them for approval before the Gram Sabha, and after approval, send it to the Zilla Parishad
- To prepare the annual reports of the administration of the Panchayat and place the accounts and the reports for approval before the first mandatory meeting of the Panchayat.
- To send the annual statement of Panchayat accounts and the approved reports to the Zilla Parishad.
- To prepare the agenda for the mandatory Gram Sabhas and notify the ordinary villagers and the members of the Gram Panchayat.
- To report the names all those members of Gram Panchayat who remain absent continuously for six months or more to the Chief Executive Officer and bring the report of the vacant posts to the Collector
- To take the attendance and minutes of the Gram Sabha meetings
- To keep the registers of the functioning of the Gram Panchayat
- To collect taxes from the villagers

- To keep the Gram Panchayat office informed about the new welfare schemes that the Government announces from time to time
- The Gram Sevak is also responsible for the execution and progress of various schemes in the village

Complaints Against the Gram Sevak

Considering the functions and the powers of the Gram Sevaks, and the fact that they are almost permanent employees, it is highly probable that the Gram Sevaks in connivance with other members of the Panchayat could indulge in corrupt practices, unless the people themselves are vigilant. Misuse of the office by the Gram Sevaks is not uncommon. Therefore, it is important to know how to deal with such situations.

Any complaint about the Gram Sevak or a Gram Panchayat member can be made to Sabhapati, BDO, Chief Executive Officer of Zilla Parishad and President of Zilla Parishad. Before lodging a complaint it is necessary that the local people and those against whom the injustice has been committed are consulted and made to feel that they have support. A pressure group can be formed through the Self-Help Groups, etc.

To prevent corruption, it is necessary that people ask for information in the Gram Sabhas. They should make enquiries about disbursement of loans and economic assistance for income generating activities. The minutes of the Gram Sabha are recorded and therefore the replies given by the Sarpanch and Gram Sevak can be verified. If the Sarpanch or Gram Sevak refuse to answer, a complaint could be lodged with the Panchayat Samiti. However, the best way to do that would be to create pressures from within the village itself. The people, as individuals as well as a collective (Gram Sabha) must remain alert to prevent misuse of power and position by the elected representatives and other functionaries of Gram Panchayat. In the absence of a vigilant and vocal public, there is every possibility of Panchayats turning into mere structures.



Indira Awaas

TRIBAL SELF-RULE

Torana is a village in Kotada Block of Rajasthan. It is a Scheduled Area where the tribals have organised themselves under the banner of Adivasi Vikas Manch. With the support of Astha, a voluntary organisation and other people's organisations, they successfully pressurised the Rajasthan Government to make amendments in the Rajasthan Panchayati Raj Act, 1994 in accordance with Panchayats (Extension to the Schedule Areas) Act, 1996- PESA. It had been a three years long struggle.

However, the government was showing no signs of implementing the very Act it had passed. So the tribals of Kotada decided to implement the Act on their own initiative. To begin with, they decided to start exercising their rights over land and minor forest produce. When the Forest Department employees came to fell bamboo from their forests, the tribals confronted them and did not let them take the bamboo away. This escalated tension between the Forest Department employees and the tribals. The Tribal Commissioner was forced to intervene because of people's pressure. He realized that the tribals were not going to be satisfied with merely the passing of a law. Just as they had struggled to get the law enacted, they would struggle to get it implemented.

Following the Kotada incident, the Tribal Commissioner called a meeting of voluntary organizations in December 2000. Astha, Adivasi Vikas Manch and other organisations strongly argued in favour of quick implementation of the Act. In the meanwhile, the tribals have retained their claim over their forest and forest produce.

But the Kotada triumph is rarely seen elsewhere. It is a well-known fact that tribals are left out of economic and political processes. In order to provide legal protection to them a special provision has been made in the Fifth Schedule of the Constitution wherein certain areas with the majority of tribal population are specially designated as 'Scheduled Areas'. Also, since these areas were economically more backward than the rest, special Tribal Sub-plans were made for them.

However, experience has shown that the situation in tribal areas continued to deteriorate primarily because of the intensifying conflicts between the traditional governance systems of tribals and formal mainstream institutions like courts, collectorates etc. This dominance destroyed to a great extent their culture, traditions, and livelihood resources. Over time, they have been marginalized socially, politically and economically.

◆ Renewed Hopes

When the 73rd Amendment of the Constitution was passed, the Scheduled Areas were excluded from the purview of Panchayati Raj Act, respecting their different socio-cultural conditions and requirements of Scheduled Areas. In 1996, The Panchayati Raj Act was extended to Scheduled Areas with several modifications. It prevails over the State Acts, which have to be in conformity with the provisions of PESA. Scheduled Areas exist in eight states- Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. Except Bihar, all the other States have already complied with the Central Act.

The Act provides that the State Panchayat Acts shall provide for the enlarged functions and powers of the Gram Sabhas and the Panchayats in the Scheduled Areas at the appropriate levels. It gives the Gram Sabha unprecedented powers over the natural resources, budget, developmental plans, programmes, and projects.

But more importantly, the Act has recognized and accorded a formal stature to customs and traditions of the people, community resources and the traditional mode of dispute resolution. Thus, it empowers the Gram Sabha in Scheduled Areas to resolve disputes according to its customary laws. It sheds the prior notion of providing protection from outside through various state mechanisms. Therefore, it is often informally referred to as the Tribal Self-rule Act.

Young Tribals Take Charge

Amarpur is a small Bhil village in Banswada district of Rajasthan. For the last six months some young women and men were trying to mobilize people and spread awareness about Tribal Self-rule in the village.

So far, the Sarpanch and Gram Sevak had been taking decisions in the Gram Sabha. But gradually the villagers started asserting themselves. They began to question them in the Gram Sabha. Initially, this annoyed them and they would answer rudely or refuse to answer. But the villagers persisted.

One day, before the meeting started, the Sarpanch said that from that day onwards all decisions would be taken only after consulting the villagers in the Gram Sabha. The people could not believe their ears. They had never thought that one day the Sarpanch and Gram Sevak would take their suggestions and they would be able to decide for themselves.

After the Gram Sabha was over, the Sarpanch and Gram Sevak circulated the proceedings' register to be signed by all the villagers who were present. The register passed from one person to another and everyone signed. They were very happy that finally decisions regarding their village were to be taken by their consent and active participation.

However, some young men who knew how crafty the Sarpanch and Gram Sevak were, could not believe their sudden uprightness. "There must be a catch somewhere," they said. When the register came to them, they looked through it carefully. But they had never checked the register before so they could not find any flaws. Noticing that they were taking long time to sign the register, the Gram Sevak got annoyed. "Do you think that we are trying to cheat you?" he sternly asked. The men got nervous but one of them tried a little bravado. "Why is there so much blank space below the minutes?" he questioned. The Sarpanch coolly explained that sometimes they had to take urgent decisions and it was not good to delay them just for a meeting. This reply alerted the elders. They insisted that no decisions, howsoever urgent, would be taken without a Gram Sabha meeting. Ultimately, when the villagers refused to sign the register, the Gram Sevak had to delete the blank space. The elders then praised the men for being alert and saving them from being tricked. "We too will always be alert in all the Gram Sabhas like you", they pledged.

Source: Alochana, Pune.

The tribals consist of different communities with their own traditional and governance systems. Under the 73rd Amendment, when the Governor demarcates a village, based on population, it usually breaks up community settlements. This forces them to assemble with other communities for Gram Sabha. As a result the social relationships that govern a community settlement and play an important role in decision-making and implementation are completely broken. In order to overcome this problem, the definition of a Gram Sabha in PESA has been widened. Now instead of defining a village based on population, the tribal communities can declare their village and Gram Sabha according to their traditional practices and social structures. The Act says that every village shall consist of a habitation or a group of habitations that are recognized by the community itself as a village and it can manage its affairs in accordance with the customs and traditions of its own.

◆ **Gram Sabha Powers in Scheduled Areas**

The Central Act further directs the State Acts to endow the Panchayats at appropriate levels as well as the Gram Sabhas with the following powers:

- The Gram Sabha or the Panchayat shall be consulted before making acquisition of land for development projects.
- It has power to prevent alienation of land and take action to restore unlawfully alienated land to the rightful owners.
- It has been made mandatory to take the recommendation of the Gram Sabha to grant license and /or mining lease for minor minerals.
- The Gram Sabha has been given the ownership of minor forest produce.
- Planning and management of minor water bodies has been entrusted to the Panchayats.
- The Gram Sabha will approve plans, programmes and projects for social and economic development. It will identify the beneficiaries under poverty alleviation and other programmes.
- It will also give a certificate of utilisation of funds to the Panchayats for the plans and programmes.
- It will enforce prohibition or regulate the sale and consumption of intoxicants.
- It has power to manage village markets and exercise control over money lending in the Scheduled Tribes.

- It has power to exercise control over institutions and functionaries in social sectors schools, public health services, NGOs etc.
- It has power to control local plans and resources including tribal sub-plans.

However, there are two significantly weak areas-though it seems as if the Gram Sabha has been given many powers, its decisions are not binding on the Panchayats and the Government. This paves the way for them to override the decisions of the Gram Sabha, which has only a consultative status. Also, some tribal customs are not favourable to women - for example, Nyaya Panchayats, which are patriarchal in nature. Many a times it is extremely difficult for women to participate in the Gram Sabha. No special provisions have been made in PESA to overcome the problems of women and facilitate their participation.

To sum up, the Extension Act is a significant legislation and promises fuller participation of the people in managing their affairs, primarily through the Gram Sabha. Now, it is for the people to exert pressure on the State to frame proper guidelines and implement it earnestly. Only then will they be able to exercise their democratic rights.

◆ Mendha-Lekha Tribals Fight for Self-rule

Mendha-Lekha is a small village in Gadchiroli district of Maharashtra. The village comprises seventy Gond tribal households. The tribals here depend on subsistence agriculture, daily wage employment and forest produce for their sustenance. Forests are the most important sources for meeting their livelihood requirements. Before 1950s the forests of the village were largely under the control of the landlords. Still, the use and management of the forest was left to the local villagers. But the Indian government declared it as a protected forest under Indian Forest Act, 1927 and later declared it as reserved forests in 1992 to curtail people's entry into forests. This restricted the people's access to forest resources drastically. Moreover, commercial exploitation destroyed the forest badly.

The movement towards self-rule in the village started as part of a larger mass movement against dams in Gadchiroli district in 1984-85. Devaji Topa, a resident of Mendha-Lekha, and Mohan Hirabai of the anti-dam movement, initiated the process of tribal self-rule in Mendha-lekha. Over a period of four to five years many discussions were held on issues like alcoholism, equal status of women in their society and control over their forests. As a result of these meetings, the village united itself into a body called the Gram Sabha, the main decision-making body in the village. At least two people (a male and a female) from each family became members of the Gram Sabha. It met regularly every month and took all decisions unanimously.

Soon, the villagers realized that they can assert their rights over forests and other resources only if they have the capacity to take responsibility for managing them. Thus, the Gram Sabha took several decisions regarding protection of forests. They decided not to give any fee or bribe to local government employees for their domestic requirements such as firewood, fodder etc. No outsiders were allowed to use any forest resource without the permission of the Gram Sabha. No commercial exploitation of the forest was allowed. The only exception made was for non-timber forest produce like flowers fruits, gum etc. The amount and the time during which they could extract the resources were also regulated. The villagers carried out regular patrolling of the forests voluntarily. Subsequently, the efforts for protection of forests proved fruitful.

Revival of 'Ghotuls'

Encouraged by this success, they started discussing the revival of their traditional ghotul. (Ghotul is a kind of youth hostel where the young and unmarried live, interact and learn the ways of life till they decide to get married and establish their own separate home.) In 1989, the village decided to reconstruct their ghotul. This decision played a very important role in uniting the people in their fight for self-rule in and around the village. Traditionally, ghotuls have always been made of teakwood. Extraction of teak from the forest has been officially prohibited. Still, the villagers decided to extract teakwood for the construction of a Ghotul. Their main contention was that if the government could extract teak from the village forest, why couldn't they take a few logs for the ghotul? The Forest Department strongly condemned the act and forcefully brought down the ghotul constructed by the villagers. A large police contingent was called to intimidate the villagers. Even the local politicians did not support them. However, the demolition of the ghotul irked many villagers in the nearby area. 32 other villages joined this struggle, and together they won. The forest department had to bow before the collective strength of Gonds, who were earlier considered powerless. An official decision was taken to allow building of ghotuls in all Gond villages, for which the material is provided free of cost by the government.

Control over Joint Forest Management

This taste of success gave an impetus to the movement in Mendha-Lekha. It gave them courage and confidence to deal with other complex matters like the Joint Forest Management (JFM) programme. In 1992, when the JFM program came to Mendha-Lekha village, a Van Suraksha Samiti (VSS) was formed. Irrespective of the provisions of the JFM resolution, the implementation of the scheme is largely based on the villagers' own rules and regulations. For any forestry operation to be carried out under the JFM, a joint meeting between the Forest Department and the villagers is organized and all matters, including those of daily wages, are discussed.

Unity and Unanimity

In 1999, Mendha-Lekha and two other villages, forming a Panchayat, took a historic decision. They would now select the members of the Panchayat rather than elect them. By doing so they wanted to eliminate the rampant corruption and malpractices during elections. It was agreed that all decisions in the Gram Sabha would be based on consensus and would prevail even over the government directives. The slogan “Mawa Nate Mate Sarkar, Dilli, Bombai Mawa Sarkar” (we are the government in our village; and in Delhi, Bombay too it is our government) fired their spirits.

The Mendha-Lekha women have also set an example for others. Women, who were traditionally not allowed to participate in village meetings, have now created a very active village level women's body known as the Mahila Mandal. They have played a very important role in the tribal self-rule movement and also in decisions regarding the village forests. At the time of struggle for the *ghotul*, when men were under the threat of being arrested by the police, the women came out on the streets and protested against the *ghotul* being dismantled. They rose against alcoholism to ban this incapacitating vice among the men in the village. The Mahila Mandal ensured that everyone supported prohibition of alcohol by keeping a close watch on their men. They too guarded the forests and decided on punishments for those who breached village rules.

Women Manage Stone-quarrying

Their effort to manage stone quarrying was particularly successful. The Revenue Department gave contract to an outsider for quarrying in the revenue land. Till 1997, he was paying the royalty of Rs.50/- per load of stones to the village apart from the royalty paid to the government. The arrangement with him was that the Mahila Mandal would grant permission to labourers, on the basis of which the contractor would pay them wages. The Mahila Mandal collected the royalties both for the village and the government. The contractor had to take a permission letter every day from the Mahila Mandal. If he was found without this letter, the local authorities would confiscate the material in his possession. Subsequently, quarrying was completely taken over by the Mahila Mandal. They now pay the royalty to the government, wages to the labourers, and handle the sale of stones. The stone is transported in the village tractor.

The story of Mendha-Lekha is of a process of struggle and transformation of a helpless, uninformed and fear-ridden community into an informed, self-improving and empowered one. The process of self-determination and natural resource conservation in Mendha-Lekha can show the way to an empowered and self-reliant future for many villages in India.



WOMEN IN PANCHAYATS

A Gram Panchayat had once organized a workshop to explain the concept of Panchayat Raj to the villagers. Parvati wanted to attend it. "Can I attend the workshop?" she asked her husband. "Then who will make the Chapatis?" came the counter-question.

Thousands of women across villages all over the country are faced with the same reaction that Parvati's husband gave her. Similar objections are raised when women want to step out of the house and learn something new. It is only when a woman asserts that she is given permission 'magnanimously'. If a woman wants to do something else besides her usual work, she can do it so long as she manages her usual domestic chores and earns daily wages. So most women hardly have any time left for anything else after they finish a day's work.

◆ Women and Politics

For a long time in our country, politics has been seen primarily as a male domain. Over the last century, many women have managed to step out of their houses to participate in the freedom struggle led by Mahatma Gandhi. Women also participated in great numbers in the struggles led by Dr. Babasaheb Ambedkar. The communist and socialist movements, Chipko movement, Bodhgaya land struggle and the anti-liquor movements are examples of struggles of women in recent times. However, by and large, women appear to have remained aloof from electoral politics. Women are conditioned from childhood to give more attention to their children and family duties and responsibilities. Besides, there is always the fear of character assassination of women in politics. In many political parties, it requires the patronage of the big leaders for a woman to get an election ticket.



The increasing levels of corruption and violence in politics today make women shy away from it. Many do not have the personal capacity to meet the huge expenses involved in election campaigns. Nevertheless, we find many women diligently working in this sphere.

This is what Mahatma Gandhi had to say about the participation of women in political and social work... “How can the nation develop if women, who constitute half of the population, remain confined within four walls?”

The odds are often loaded against women, even when they come to power: For instance, in Villaputum in Tamil Nadu, Rangamayaki, a Dalit woman Sarpanche, stopped the brewing of illicit liquor and supported a Dalit girl wanting to marry an OBC boy. This angered some people, who began to make allegations of misbehaviour against her. The Collector asked her to quit her post. She appealed to the State Government, which ordered that she be re-instated. However, this order was suppressed by the Collector for over six months.

◆ What Can Elected Women Do

Women who are elected to the Gram Panchayats under the Panchayat Raj Act are usually entering politics for the first time. They need to be well informed about their rights and responsibilities and to clearly understand the problems of their village. Women's organisations can strengthen the hands of women who are elected to the Gram Panchayat.

- They need to pay attention to the problems of women that have been neglected so far. Lack of health services, water and sanitation, liquor, domestic violence etc. are issues that affect women. An effort should be made to ensure that women discuss these problems and place them in the Gram Sabha.
- The consumption and sale of illicit liquor is an issue that can be taken up with the help of women's organizations or other organizations working in the areas.
- Dalit women and daily wage earners from the landless class should be included in discussions about water, health, fuel, etc. The importance of collective strength to solve their issues must be stressed in these meetings.

Women's participation has changed the face of politics. Of course, we must bear in mind that women too tend to have caste-class biases and have their own prejudices. But the realisation of collective wisdom usually leads to better participation. The self-confidence, political perspective and social awareness that is gained through the process of organisation helps to increase women's participation in village politics even qualitatively.

◆ The Struggle of Metikheda

Metikheda is a village in Yeotmal District of Maharashtra with a population of 2000. It mainly consists of tribals - Kunbi, Pardhi, Bhil, Gorari, Gond, Kolamb, Vanjara, Bhor etc. A majority of Metikheda's people are landless tribal agricultural labourers who somehow manage to survive on whatever they earn during eight months of the year. The land is concentrated in the hands of a few landlords.

Sarode is the prominent landlord family in the village. They own 125 acres of land and employ 75 labourers on their farm. Besides this, they own a fertilizer and seeds agencies, a shopping centre, a dairy in the village, a school and a flourmill. Sarode had been elected as Sarpanch of the village continuously for a period of 30 years. His brother is the Police Patil of the village. Since the Sarodes are a major employer, opposing them was tantamount to losing one's source of livelihood. As a result, the ruling family wielded considerable power over the entire village for many years. It is in this background that an all-women Gram Panchayat was elected in Metikheda in 1989, against the wishes of Sarodes.

If We Can Run the Home, Why Not the Panchayat?

This question raised by one Kamalabai Kakde of Pune district would make both men and women think. Kamalabai was herself elected as a Sarpanch between 1963 and 1968. The first all women Gram Panchayat in Maharashtra was established in village called Nimboot in Baramati Taluka of Pune District. Many women were afraid of contesting elections, but Kamalabai gave them courage. "Why be afraid?" she said, "If you can run the house, why not the Panchayat?"

Within a period of five years, all women Gram Panchayat of Nimboot built an office for the Gram Panchayat, repaired the school well, and had supply of electricity scheme sanctioned for the village. They also experienced what it was to sit in a jeep and attend meetings at the taluka headquarters, and to sit in a chair expressing one's opinion in public. Some of the women members were not formally educated. But the confidence they gained as a result of their experience of stepping out of the house proved to be a guideline for other women who wished to contest Gram Panchayat elections elsewhere.

How Did This Radical Change Take Place?

Maya and Chandrakant Wankhede are both activists of the Chatra Yuva Sanaghanash Vahini, and later joined Shetkari Sanghatana. Here they decided to work in Metikheda to help bring about social equality and justice. In 1989, the Shetkari Sanghatana made a public appeal to elect all-women Gram Panchayats. Initially, Maya and Chandrakant met with opposition when they started discussing the issue with the villagers. Neither the people nor the women themselves were sure whether inexperienced women could do the job properly. Maya discussed the subject with the women in-depth. She appealed to Sarode to elect all-women Gram Panchayat without a contest, i.e. by consensus from the villagers. But Sarode refused to oblige.

It was then decided that a panel of nine women would be put up against Sarode's panel. One woman each was elected from different communities - Gond, Bhil, Dalit, Vanjara, etc. Since this was

the first occasion to challenge Sarode, the women were quite apprehensive. They wanted Maya to support them by becoming the Sarpanch. When Maya refused, a rumour was deliberately spread that Maya was not willing to contest the election because she was afraid. Maya reacted by deciding to fight the election. It was announced that three major issues, viz. water, toilets and fuel, would be taken up if the panel was elected. Slogans were painted on the walls. Since women's issues were now given prominence, the women participated enthusiastically in the campaign.

Sarode, however, used the age-old anti-woman methods against these women in the campaign. For instance, villagers were told: "Maya does not apply kumkum, has short hair, does not wear a mangalsutra, and is 'barren'. Electing such a woman would be a threat to the great culture and the family system of the village." He tried to scare women by saying that their husbands would be 'adversely affected' if a childless woman got elected. He further added that she would pose a threat to the children of the villagers. To dissuade a Gond woman, Chabhu, from contesting, 10-12 men went to her house and showed her a letter supposedly written by her husband (who was working in another village) telling her not to contest the election. They tried to pressurize her into withdrawing from the contest. But Chabhu refused to be cowed down by these intimidatory tactics. "Whatever my husband may have written, I will still contest the elections," she said firmly. The men were offered liquor in order to get not only their votes, but also the votes of women in their families. Money was used to buy votes in the poor settlements. The Dalits were promised free TV sets, and an attempt was also made to distribute bangles, blouse pieces, grain, money and biscuits to ensure votes.

The women found much more effective and novel methods to counter these foul practices. Those brewing liquor in the village belonged to the adivasi community. They had no official licenses to brew the liquor. One of the women from the panel who was contesting the election lived in this area. Her household was also involved in brewing liquor. Maya and Chandrakant appealed to them not to brew liquor. They also pointed out- "They never raised your wages despite so many requests. Today why are they distributing money so freely, without you asking for it? Why didn't they give it to us before...? Think about it." The next day the Sarodes stopped distributing money. They were afraid that the people would take their money and things, but not vote for them!

On the previous night, the opposition panel had decided to try and buy votes by distributing money. The women's panel decided to keep an all-night watch. They sang and danced all through the night with their supporters. Some of the activists kept a watch on the road coming from Sarode's house. As a result it was impossible for them to openly distribute money.

There was no point in trusting the police on the day of the election, because Sarode's brother was the Police Patil in the village. Therefore the women themselves kept a watch on the voters. They caught five bogus voters. However, with everyone's permission it was decided not to pursue cases

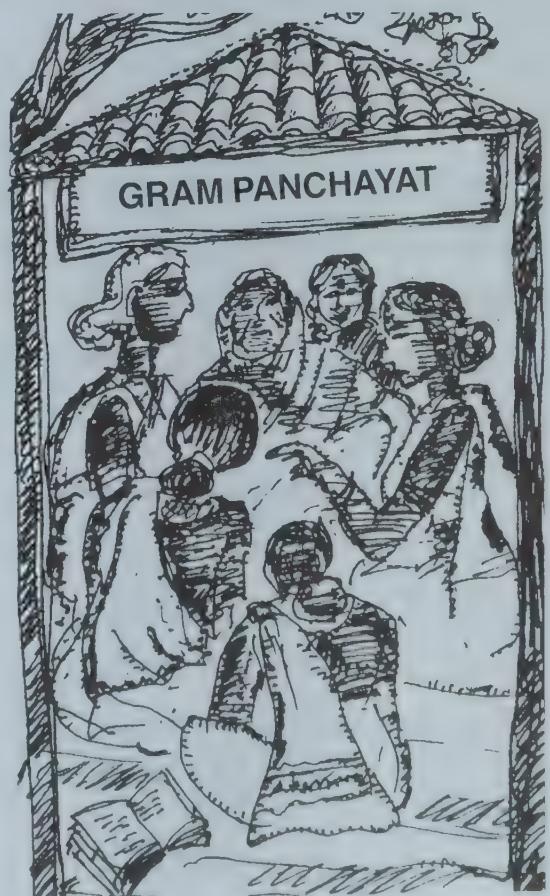
against them, because after all, it is the poor who are bribed to cast bogus votes. This would only mean that the real culprit would go scot free, while the poor would be punished. The day of the election proved historic for Metikheda. Almost 100% of the women voted. The all-women panel was elected. The women took out a victory procession. Upper caste women felicitated the Adivasi women for having won the election.

All-women Panchayat Shows Results

Improved chulhas were distributed through the government programme. The gobar gas plant scheme was implemented. 40 plants were sanctioned in the first year. The beneficiaries were selected without discriminating against those who were in the opponent's camp. Before 1989, tap water schemes sanctioned for Metikheda were invariably diverted to the fields of rich farmers. The Gram Panchayat sanctioned a new public tap water scheme. Previously there were 12 connections. They were increased to 20. A new connection was given to the Dalit habitation. An independent tap water scheme was also sanctioned for those who were able to deposit Rs. 400/- and pay Rs. 15/- per month as water taxes. Within a year, 110 households became beneficiaries of the scheme. Another water tank was sanctioned from the Panchayat Samiti. A drainage system was installed. A dhobi ghat was built near the public tap for washing clothes.

Eleven electric poles were installed in poor hamlets for the supply of electricity. Since the distance between them was only 100 meters, the poor farmers would bring the connection to their homes at a relatively cheaper cost. A hall was built for social functions. Also, the Gram Panchayat gave a loan of Rs 15,000/- to a group of women to buy goats. This scheme had actually been in existence for the last 7 years, but no one had even heard about it till Maya told them.. Till date, the government schemes had benefited only the rich landlords of the village. Now, for the first time, they were reaching the Dalits and the Adivasis.

The Gram Panchayat started tax collection in the next year. So far the previous Gram Panchayat had registered only 193 houses; 150 houses had not received any number. So, these families did not pay any property, water or electricity taxes. As a result of this tax collection campaign, there was a major controversy. Poor people were offended. The opposition party also started taking advantage of the situation, and things began



to heat up. But the Gram Panchayat certainly gained. The tax collection increased from Rs 6,000/- to Rs 20,000/- every year. With this economic support the Gram Panchayat's functioning improved and became more effective. Taps, electricity, pumps started being repaired within 24 hours. The local landlords had usurped the old grazing land (gairan) in the village. Nobody had made any effort to get it back earlier. Now Maya is making an effort to reclaim it.

Fight Against Corruption

The all-women Panchayat decided to uproot corruption. The problem of corruption in construction projects was handled by checking with local engineers the market prices of the items to be purchased. Armed with this information, they could challenge any inflated figures. (For instance, the price of a toilet-pot had been put as Rs. 475/- when it actually cost Rs. 190/-). Similarly, care was taken to ensure that all the materials purchased for each work were utilized - not wasted and not diverted for personal use.

There was one negative effect of all this- government officers began delaying the sanction of development schemes for Metikheda because there was no scope for corruption. Despite several applications, the scheme for building private toilets with government subsidy was never sanctioned. Said Maya, "If I had not made inquiries about purchase of cement and the quality of construction, the scheme would have got sanctioned without delay." Two Gram Sevaks were caught red handed indulging in corruption. Later the Zilla Parishad dismissed them when charges were proved against them.

As a result, the opponents started a campaign against the Gram Panchayat by saying that no development activities were being undertaken. Even today, there exist some critics in the village. But most of the people agree that the women's Panchayat brought about improvements that were never taken up for several years. The neighboring villages also expressed their praise for the women's Gram Panchayat. The village Mohada has modelled its own supply scheme after Metikheda. The village of Khora also decided to field an all-women Gram Panchayat. In many respects, Metikheda served as a fine example.

There has to be greater clarity about the future course of women's political journey. Invariably, casteist and communal forces will first attack women. To counter this, women will have to join hands to form a secular, egalitarian front. Otherwise, upper caste and other powerful groups will use their women as a front in the political process, to preserve the status quo and realize their hidden agendas. Every kind of political party too is mouthing the words "women's empowerment". What they mean by this and how it will be manifested at the local level needs to be watched and appropriate strategies developed.

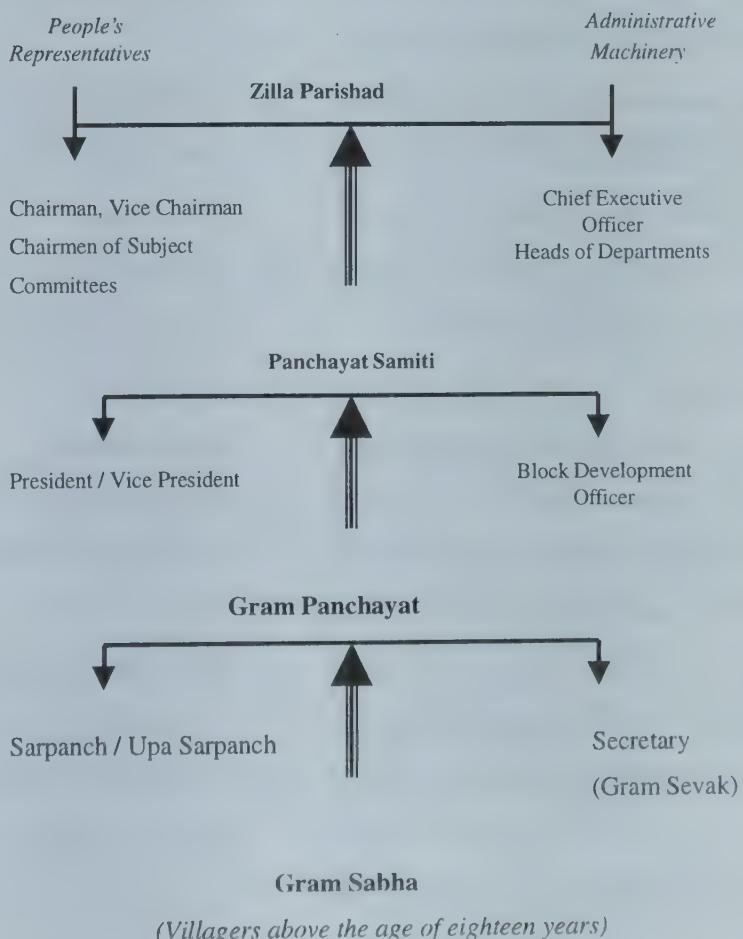


THREE TIERS OF PANCHAYATI RAJ SYSTEM

As has been already stated, the three-tier structure consists of Zilla Parishad at the district level, Panchayat Samiti at the Block level and Gram Panchayat in the village. The Gram Panchayat is the foundation on which this structure stands. It is where the people directly participate in governance through the Gram Sabha. However, many a times issues do not get resolved at the village level, especially if they concern more than one village or Block. Some issues might need to be taken to the Block level or even up to the district level.

Also, there is no uniformity in pattern of three-tier system of local self-government. Different states have differently assigned the functions and powers of the bodies and functionaries working at the three levels. For example, in Karnataka and Andhra Pradesh, all three tiers are given executive functions, but in Tamil Nadu the district level body has only advisory function. To quote another example, in Tamil Nadu, bureaucrats are the executive heads of the top two bodies; only the elected Sarpanch of the Gram Panchayat enjoys the status of executive head. Whereas in Karnataka and Andhra Pradesh, the elected Presidents have executive powers at all three levels. The variation in the content of governance system across states in terms of its structure, function and powers produce different results with respect to its performance. Hence, knowledge about the Zilla Parishad and Panchayat Samiti is also necessary.

Three Tier Structure of Panchayati Raj



◆ Three-tier system at a Glance

The following table is prepared on the basis of Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961. It gives information about all three tiers. Some provisions are the same for all- the Gram Panchayat (GP), the Panchayat Samiti (PS) and the Zilla Parishad (ZP).

- ✓ *Tenure-* All the three bodies are elected for a term of five years. Regular elections are conducted after every 5 years. In case any of the three is dissolved within this period for any reason, elections must be held within 6 months. The new members will hold term for the remaining part of the 5 year term.
- ✓ *Reserved Seats-* 33% seats are reserved for women at all levels. Reservations for Scheduled Castes / Scheduled Tribes are according to their proportion in the total population. 27% seats are reserved for Other Backward Castes. Seats are reserved by rotation in Zilla Parishad division.

Gram Panchayat	Panchayat Samiti	Zilla Parishad
Functions		
According to the 73 rd Amendment, all village development activities have been entrusted with the GP to be implemented with the help of PS and under the guidance of ZP. GP has as many as 79 functions and duties. Some of them are- agricultural development, land reform, minor irrigation, command area development, animal husbandry, fisheries, social forestry, minor forest produce, small scale industry, khadi industry, cottage industry, rural housing, water supply and maintenance, fuel and fodder schemes, means of communication, non- conventional energy sources, poverty alleviation, primary and secondary education,	<p>Some of the important functions are-</p> <ul style="list-style-type: none"> ● Selecting Sarpanch for making the Committee of Sarpanchs every year. ● Preparing the plan for the Block's development. ● Sanctioning leave to Sarpanchs. ● Administrative and technical guidance to GPs from time to time. ● Monitoring administrative and development work. ● Implementation of various development schemes according to the guidance of the ZP in the block. ● PS members have been given 	<p>The ZP has as many as 129 functions. Some of them are-</p> <ul style="list-style-type: none"> ● Assisting the PS to take up certain long-term development projects through locally available resources. ● Sanctioning the budget of various Subject Committees. ● Dividing funds received from government amongst PS in the district. ● Coordinating the schemes in the various developments blocks, guidance and supervision. ● Approving the District annual plans. ● Under the guidance of the state government, the ZPs make

Gram Panchayat	Panchayat Samiti	Zilla Parishad
<p>technical and professional education, adult education and non-formal education, management of markets and fairs, welfare schemes for the physically and mentally challenged, schemes for welfare of weaker sections, SC/ST public distribution system, maintenance of public property. GP also explains its functions to the people in the Gramsabhas. It sets up various committees for different types of development activities and supervision of work through them.</p>	<p>powers to examine budgets of GPs' audited accounts and to hear complaints about taxes levied by the GPs.</p> <ul style="list-style-type: none"> ● The PS gives guidance to the GPs about the implementation of various government schemes as per the guidelines issued by the ZP, under the Panchayati Raj Act. ● The BDO and the Extension Officer supervise the work of the Gram Sevaks. 	<p>budgetary provisions for the various schemes that are implemented for the welfare and upliftment of SCs, STs and OBCs. It makes a planned disbursement of total funds available for the purpose.</p> <ul style="list-style-type: none"> ● In case of natural calamities such as flood, drought, etc. it carries out the instructions of the state government. ● The provision of grants and supervision of rural development schemes transferred to the GP under the Panchayati Raj Act are through the PS. ● Planning, implementation and administrative responsibilities of all development work of the district lie with the ZP.

Committees

The elected members set up various subject committees and divide responsibilities among themselves. Eg. Health Committees, Building Construction Committees. The Extension Officer functions as the Secretary of the committees.

PS shall appoint a 'Committee of Sarpanchs' consisting of either 15th of the total number of Sarpanchs or 15 Sarpanchs in the block, whichever is more. It will be a consultative and advisory body. The Deputy Chairperson shall be the Ex-officio Chairperson of the Committee and Extension Officer (Panchayat) shall act as its

The ZP has one Standing Committee and several Subject Committees (E.g. Health Committee, Education Committee, Finance Committee etc.). They have full powers to take policy and implementation decisions. The Standing Committee consists of- (a) the Chairperson, (b) the Chairpersons of the Subject

Gram Panchayat	Panchayat Samiti	Zilla Parishad
	<p>secretary. The Sarpanchs will be nominated by PS by rotation every year. There shall be a BDO for every PS appointed by state government.</p>	<p>Committees, (c) eight councilors elected by the ZP from amongst its councilors, and (d) two co-opted members who have special knowledge relating to the work of Standing Committee. The Chairperson of ZP is an ex-officio Chairperson of the Standing Committee.</p>

Meetings

GP has monthly meetings of all its members. 4 mandatory Gram Sabhas (once every 3 months) are conducted annually. There is provision for special Gram Sabhas too. The Gram Sevak (who is appointed by the ZP) functions as its secretary.

PS has monthly meetings of all its members. Second meeting has to be called within 30 days of the first. If the ZP or State Government orders, meetings have to be conducted anytime. The President calls all the meetings. If the President feels necessary, he/she can call extraordinary meetings also. The BDO functions as its secretary.

A ZP meeting is held every 3 months compulsorily. The Chairperson calls all the meetings. There are provisions for special meetings too. The Chief Executive Officer functions as its secretary.

Methods of Elections

The election constituency should have a population between 6,000-10,000. Elections for GP members are through secret ballot by all citizens over 18 year of age. The number of members in a GP varies between 7 and 15, depending on population.

The election constituency should have a population of 17,500 and will elect one member. Elections are through secret ballot by all citizens over 18 year of age.

One ZP member represents a population of 35,000. Elections are through secret ballot by all citizens over 18 years of age. The number of members in a ZP varies from 50 to 75 as determined by the State Election Commission.

Gram Panchayat	Panchayat Samiti	Zilla Parishad
Election of Office Bearers		
Elected GP members elect the Sarpanch and Deputy Sarpanch. The Sarpanch or Up-sarpanch or any member of GP may be removed by the Standing Committee of ZP if found guilty of misconduct.	Elected PS members elect the President (Sabhapati) and Vice President. In the PS, apart from the elected PS members, there are co-opted members from- (a) elected to the ZP (b) Chairperson of the Agricultural produce market committee (c) Chairperson of agricrop society and (d) Sarpanchs and Deputy Sarpanchs.	Elected ZP members elect the Chairperson and a Deputy Chairperson. The State Government can remove a member of ZP on the recommendation of not less than 2/3 rd of its members. The Chairmen of all the Panchayat Samitis in the district are ex-officio members of ZP. Chairmen of four federal Co-operative societies are associate councilors. The Director of the Maharashtra State Co-operative Land Development Bank, residing in the district is associate councilor. Chairpersons of PS are also members of ZP.
Functions Related to the Election Commission		
It takes decisions about the number of GP members, reserved seats, and dates of election and supervision of the election process.	It takes decisions to demarcate the constituency according to population, reserved seats, and dates of election and guidance on these matters.	It takes decisions about constituencies on the basis of population, reserved seats, and dates of election.
Appointed Officers and their Responsibilities		
Gramsevak, who is appointed by the ZP shall- <ul style="list-style-type: none"> ● Keep records of the GP's work ● Keep records of various certificates issued ● Keep records of monthly meetings 	Block Development Officers are state government employees. Their responsibilities include- <ul style="list-style-type: none"> ● Supervision of the daily functioning of the PS ● Implementation of various schemes 	Chief Executive Officer is an employee of the state government. He/she generally belongs to the I.A.S. cadre. <ul style="list-style-type: none"> ● She/he must be present at every ZP meeting, participate in the discussions, and give

Gram Panchayat	Panchayat Samiti	Zilla Parishad
<ul style="list-style-type: none"> ● The Gram Sevak also does routine administrative tasks of Gram Sabha ● Keep accounts of the GP's income and expenditure, reading it out in the Gram Sabha, if necessary ● Preparing the GP's budget ● Providing information about various government schemes to the villagers ● Keeping accounts of the GP's income and expenditure. Reading it out in the Gram Sabha, if necessary. ● Preparing the GP budget, information about various government schemes to the villagers. 	<ul style="list-style-type: none"> ● Guidance about the rural development scheme in the area ● Assisting the PS in its work. ● Supervision of different State and Central Government schemes ● Preparing the Taluka PS budget and forwarding it to the ZP 	<ul style="list-style-type: none"> information about administrative rules and provisions, provide explanations etc. ● She/he should also be present at every meeting of the various subject committees. ● She/he must supervise the administrative work going on in the district.

Budgetary (Economic) Provisions

The GP collects part of its income from different types of taxes such as water and property and market taxes, etc. Village, rural development activities are undertaken primarily with the help of government grants. The budget of the GP must be sent to the PS for sanction.

Part of the revenue (50:50) collected from taxes, fees etc by the ZP is given to PS for implementation of all government schemes. PS cannot levy its own taxes. PS guides the GPs in the Block on budgetary and economic matters.

The ZP levies its own taxes e.g. water tax, pilgrim tax, building tax etc. It shares 50:50 of revenue thus collected with the PS. Also, it divides the grants received by government according to the annual budget amongst the different development blocks.

◆ Conclusion

The concept of Panchayat Raj is slowly gaining ground among people throughout the country. In particular, the struggles and demands of hitherto oppressed sections (women, Dalits, OBCs) are growing. These sections are no longer willing to become pawns in the hands of the ruling sections. Besides, their rights now have the necessary legal backing, and they are now gaining the strength to speak out for themselves.

However the fact is that our country has a long history of feudalism and colonial rule. Traditional views about women still prevail in society. There is pressure from local elites to maintain their power and influence by all means. Besides these, the hidden opposition of the elitist bureaucracy hampers the development of political consciousness. Hence, elected members from marginalized sections have to struggle hard to establish their rights, despite the implementation of the Panchayat Raj Act, in 1993.

Even today, the division of power between the bureaucracy and the elected representative of the people remains a contentious issue. Such issues cannot be resolved merely by new rules and regulations being put in place. If power is to be devolved to the people in true sense through Panchayati Raj, there should be a political will. However there cannot be any alternative to the development of the political consciousness of people at grassroots level.



APPENDICES

1. Committees of Gram Panchayat

1. **Women and Child Welfare Committee** : Its responsibilities include setting up Anganwadies and Balwadiies in the village, supervising their activities, implementation of health camps, immunisation and family welfare schemes in the village, keeping the villagers informed about these schemes, supervising purification of drinking water and functioning of the primary health sub-centre, and prevention of communicable diseases.
2. **Building and Construction Committee** : Its responsibilities include preparing proposals for necessary construction of roads, wells, percolation tanks, school buildings, etc. in the village and having them approved by the Gram Panchayat. Also, it prepares budgetary estimate of approved proposals, ensures government funds for their completion and supervises ongoing construction work.
3. **Taxation Committee** : Some of its functions are fixing property, water and other village levels taxes, assistance in collection of taxes, issuing notices to defaulters, issuing orders for seizure of property in case of continuous default, making proposals for revision of rates every four years.
4. **Education Committee** : Maintenance of school buildings, arrangements for drinking water and toilets for the schools, provision for supplementary nutrition programmes, supervision ongoing schemes, proposals for appointment of additional teachers in schools and ensuring that such appointments are approved by a resolution of the Gram Panchayat are some of its functions.
5. **Agriculture Committee** : This committee assists farmers in agricultural improvement, ensures availability of improved seeds and implements, gives guidance in irrigation schemes, places related proposals in the Gram Sabha, makes suggestions for reduction in rates of land revenue during a drought period, and provides support to all farmers in the village.
6. **Market Committee** : Its functions include supervision of the weekly market of the village, ensuring that there are no disputes and accidents, and collection of market taxes.

2. Expenditure Pattern of the Gram Panchayats

1. **Expenditure on Construction and Repairs (40.33%)** : The Gram Panchayats incur expenditure on repairs and maintenance of internal roads, buildings, Gram Panchayat office, 'Samaj Mandir', Chavdi, burial grounds, market, library, cattle ponds, primary school buildings, etc. It is seen that the Gram Panchayat incur about 40% of their income on these items which is higher than the growth rate of total expenditure.
2. **Expenditure on Health, Sanitation and Water Supply (25.33%)** : Although primary health centres and sub-centres are run by the Zilla Parishad, Gram Panchayats incurs expenditure on rural sanitation. This includes expenditure incurred on construction of toilets, drainage, purchase of TCL Powder for water supply, running water supply schemes, contribution towards bore well repairs, electricity bill, etc. In proportion of the total, this expenditure is 25.33%.
3. **Other Expenditure (22.04%)** : Gram Panchayats are required to incur other expenditure which includes schemes undertaken for backward classes from Gram Panchayat funds, meetings of Gram Panchayats, honorarium of Sarpanch etc. This expenditure is 22.04% of total expenditure.
4. **Expenditure on Salaries and Allowances (12.4%)** : This expenditure includes salary of Gram Panchayat employees, travelling allowances and other incidental expenditure. It is generally a practice with the Gram Panchayats that they incur 12.4% of their total expenditure on these items.

3. Financial Assistance to Gram Panchayats according to Mumbai Gram Panchayat Act

A Gram Panchayat receives following types of grants and financial assistance from the State Government:

- A. **Land Revenue Grant** : As per Section 131 of the Mumbai Gram Panchayat Act, 1958, every Gram Panchayat receives from the State Government a grant, equal to the amount of FIVE years' average of ordinary land revenue (including non-agricultural assessment) recovered from the lands within the limits of Panchayat.
- B. **Equalisation Grant** : Under Section 132A of the Mumbai Gram Panchayat Act, 1958, the Gram Panchayat receives from State Government, an equalisation grant equal to the difference between the amount payable to any Panchayat on the basis of Re.1 per capita and the amount payable to Panchayat towards land revenue grants.
- C. The State Government has levied cess at the rate of 10 paise per rupee on land revenue collected within the jurisdiction of Gram Panchayat. This cess is collected through revenue machinery and is given to Gram Panchayat in the form of grant.

- D. In addition, Gram Panchayat receives the following grants from the State Government-
- a. Grant to meet full expenditure of electricity bill towards street-lights.
 - b. Grant is given to meet 50% of the expenditure of electricity bill for the operation of drinking water scheme.
 - c. The Gram Panchayat is given 50% share of stamp duty grant by Zilla Parishad.
 - d. Grant to meet 50% expenditure on the purchase of T.C.L. Powder.
 - e. The Gram Panchayats in backward areas are given some financial aid by the Government.
 - f. The Gram Panchayats are given grant towards share of royalty on minor minerals.
 - g. Besides these grants, a large grant also comes from the Government for implementing various schemes of Central as well as State Governments through District Rural Development Agency.

4. The Samata Case : Special Powers to the Gram Sabha in Scheduled Areas

The Eastern Ghats of India are endowed with many natural resources, i.e. forests, water, land and minerals. It also happens to be the home of large population of tribal people from time immemorial. It has witnessed many revolts in the last two to three decades by the tribal people mostly on the rights for land water and forests. The legislative history of laws protecting these people and regions dates back to over one hundred and fifty years. While framing the Constitution of India two unique Schedules were added, namely the Fifth and Sixth Schedules to deal with the tribal areas in order to protect them from undue exploitation by the mainstream societies.

Even while such clear laws exist, to prevent alienation of tribal lands the state government of Andhra Pradesh issued many leases to the non-tribals to carry on industrial and mining operations since 1952. These have proved detrimental to the tribal people as a whole. Samata, an NGO working in the Scheduled Areas of Andhra Pradesh, filed a case against the government of Andhra Pradesh for leasing tribal lands to private mining companies in the Scheduled Areas.

The Petition filed in Supreme Court led to a historic judgement in July 1997 which declared that the government is also a “non-tribal” person, and that all lands leased to the private mining companies in the Scheduled Areas are null and void. The salient features of this judgement are-

1. As per 73rd Amendment Act 1992, “every Gram Sabha shall be competent to prevent land alienation in Scheduled Areas and to take appropriate action to restore any unlawful alienation of land of a Scheduled Tribe.
2. Minerals are to be exploited by tribals themselves either individually or through co-operative societies with fundamental assistance of the state.

3. Transfer of land in Scheduled Areas by way of lease to non-tribals, corporation aggregate etc. stands prohibited.
4. Renewal of lease is fresh grant of lease, and therefore, any transfer stand prohibited.
5. Transfer of mining lease to a non-tribal company, corporation aggregate or partnership firm is unconstitutional void and inoperative.
6. State instrumentalities like APMDC stand excluded from prohibition.
7. In the absence of total prohibition in some states with Scheduled Areas, committee of secretaries and state cabinet sub-committee should be constituted and decision taken thereafter.
8. Conference of all Chief Ministers, ministers holding the ministries concerned and the Prime Minister and centre ministers concerned should take a policy decision for a consistent scheme throughout the country in respect of tribal lands.

5. The Powers Assigned to Gram Sabhas under Panchayats (Extension to the Scheduled Areas) Act, 1996

The powers assigned to Gram Sabhas under PESA- Panchayats (Extension to the Scheduled Areas) Act-may be divided into four categories:

(1) Mandatory features : State legislation on Panchayats must be in consonance with the customary law, social and religious practices and traditional management practices of community resources; every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, resources and the customary mode of dispute resolution. The gram or village that is to form the basis of the Gram Sabha can be defined locally-as a habitation, hamlet, or set of hamlets. The Gram Sabha must approve development plans before implementation by the Panchayats, identify beneficiaries and provide a certificate of utilisation of funds to the Panchayat.

(2) Powers to be consulted: the Gram Sabha or the Panchayats at the appropriate level must be consulted before land acquisition for development projects and before resettlement of people in Scheduled Areas. However, actual planning and implementation of projects in Scheduled Areas continues to rest at state level.

(3) Power to recommend: The prior recommendation of the Gram Sabha or Panchayats at the appropriate level is necessary for the grant of licenses or mining leases for minor minerals, and for the auction of the concession to exploit minor minerals.

(4) Management functions: The Gram Sabhas (and the Panchayats at the appropriate level) have the specific powers to regulate liquor sales, enforce prohibition, prevent land alienation, manage village markets, exercise control over money lending to tribes, exercise control over government functionaries in the social sector; exercise control over local plans and resources for such plans. In addition, the Gram Sabhas have been

given ownership over Minor Forest Produce.

While leaving the details to the State Legislation to issue necessary instructions in respect of above functions, PESA, 1996 makes two other important recommendations:

1. The State Legislations shall contain safeguards to ensure that higher levels of Panchayats do not usurp the powers of lower levels or of the Gram Sabha.
2. While designating the administrative arrangements at district level in Scheduled Areas, State Legislations should follow the pattern of *Vit Schedule*.

While the last recommendation has been ignored altogether, in other respects too, the various State Acts are not fully in conformity with the Central Act. All fall short of implementing the spirit of PESA.

6. Transparency and Accountability in PRIs

In Kerala a number of steps have been taken to enforce transparency. Monitoring Committees are appointed by the Gram Sabha for every public work and the elected Members cannot chair such Committees. All plan documents, including those related to beneficiary selection, estimates, bills and vouchers of works have been declared public documents, which any citizen can access. Photocopies have to be supplied for a fee on demand within seven days of an application. State Government has decided to install photocopying machine at the headquarters of all Gram Panchayat of the State to facilitate this process. At the site of every public work, it is prescribed that daily notice be pasted which lists the names of workers with wages earned, materials purchased with unit costs, quantities, transport charges and contingency expenses. The independent monitoring committee of the gram sabha has to ensure that the notices are accurately prepared and displayed daily. The State Government has also prescribed the construction of a large notice board at the headquarters of every ward, called the Vaarta Board, where these and other notices must compulsorily be displayed; otherwise subsequent grants to the Panchayat would be withheld.

The procedures prescribe in Kerala for the selection of beneficiaries also has salutary elements of transparency. The Gram Panchayat is required to lay down numerical weightage for priority in selection of beneficiaries. As an illustration, in Kunner Thukal Panchayat, for award of houses sites, widows are given a weightage of 10 points, disabled persons and persons with serious chronic illnesses 10 points, for each girl of marriageable age 5 points, each school-going child 2 points, landless workers and farmers with less than 5 cents of land 5 points. These criteria are widely publicised, including on the notice board. Selections of the beneficiaries by the gram sabha are based strictly on award of points on the prescribed criteria, and objections are invited before the lists are finalized. This system favours the most disadvantaged irrespective of caste, creed and political affinity.

Moreover, the People's Plan Campaign in Kerala very forcefully brought out the possibility of institutionalising

the powers and role of the Gram Sabha through the transformation of PRIs from agencies executing predetermined programmes and schemes of the Central or State Government into financially, functionally and administratively empowered institutions of self-government.

The Government of Madhya Pradesh has also issued instructions for procedure to be followed for conducting social audit by Gram Sabha. The instructions of the Government of Madhya Pradesh prescribe that in the event of the Gram Sabha reaching a conclusion after enquiry that there have been irregularities or corruption in the implementation of any work, it would send a report with full details to the Sub Divisional Officer (SDO). The SDO would be required to register a case in his or her Court under the Panchayat Raj Act. The SDO would then constitute an inquiry committee, which would include an elected representative of the Panchayat who is not connected with the work, a technical officer and a private individual. The Committee would enquire within a time limit prescribed by the SDO. The SDO would nominate an officer to place the report before the Gram Sabha. In case the Gram Sabha concludes that corruption did take place, the SDO would be required to take legal action. This is by no means a fully satisfactory procedure, but it is the only instance in any State, in which the social audit by the Gram Sabha has some mandatory legal outcomes.

The Government of India has made social audit mandatory. Social Audit should be backed with mandatory legal outcomes in the event of leakage detection. It is, therefore, necessary for the States to frame rules to lay down detailed procedures for the conduct of social audits so that its processes conform to the principles of natural justice, and there are necessary and binding outcomes of pursuant to social audit process.

7. Proposal for Monitoring Indicators to Assess Gram Panchayat Functioning

(D.O.No.N.11011/36/97-PR dated 4th December 1998 – Issued by Ministry of Rural Development)

Gram Sabha (GS) Functioning

1. Number of GS meeting held and out which number of meeting held with full quorum during the last one year.
2. Number of women who attended GS meeting as a percentage of total population of women.
3. Number of SC/ST who attended GS meeting as a percentage of total population of SC/ST.
4. Whether GS is preparing action plan for public works based on needs assessment.
5. Whether GS is making final selection of beneficiaries for all beneficiaries oriented schemes.
6. Are proceedings of GS recorded, read out and approved during the meeting of the GS itself?

Gram Panchayat (GP) Functioning

1. Number of GP meeting held and out of which number of meeting held with full quorum during the last one year.

2. If women head the GP, do they personally attend to their duties or do male relatives proxy?
3. Participation of women members in GP meetings.
4. Is a village plan prepared by the GP based on resolutions passed by the GS?
5. Percentage of achievement in implementation of schemes sponsored by the Centre and / or State. Does GP raise resources independently of Government grants?
6. Have subject-specific committees been constituted and are they functioning properly?

Transparency

1. Are Statement of Accounts, muster rolls, bills, vouchers, etc. read out and 'discussed in GS meetings?
2. Are these documents available for inspection in GP building?
3. Are certified copies available to citizens on demand?
4. Use of Notice Board or other mode of communication for important announcement and information sharing with people.
5. Whether there is any complaint for mis-utilisation of funds?

Miscellaneous

1. Percentage of hand-pumps which are functioning.
2. Percentage of girl children of eligible age-group attending school.
3. Number of malnourished children who have been identified and raised to suitable levels of nutrition.
4. Action taken by GP to protect common roads, culverts, water bodies and forest.
5. Functioning of school and PHC located under the jurisdiction of GP.
6. Relationship with Patwari, Health Worker, Teachers, Village Level Workers, Village Auxiliary Worker, Panchayat Secretary, etc.

Process of Selection

1. Weightage of 25 points for each of the above stated categories.
2. Nomination would be invited by District Collector from Zilla Parishad, Panchayat Samitis at block level and Gram Panchayats, in a format which would contain a self-assessment based on these criterions.
3. Collector would short list up to 3 Panchayats from each block (the Collector would nominate a team comprising one social scientist, one NGO representative and one officer to verify the claims).
4. A committee comprising the Chairperson of the Zilla Parishad, Collector and Project Director / CEO of DRDA would take final decision based on their report.

8. Status of District Planning Committees (DPCs) – State wise

SL	States/UTs	Status of Constitution of DPCs
1	Andhra Pradesh	Not constituted
2	Arunachal Pradesh	Not constituted
3	Assam	Not constituted
4	Bihar	Not constituted
5	Goa	_____
6	Gujrat	Not constituted
7	Haryana	Only in four Districts. Rest under consideration
8	Himachal Pradesh	Not yet but it is under consideration
9	J & K	Not applicable
10	Karnataka	Yes. In 17 out of 20 districts. After reorganization there are 27 districts. All DPCs will be constituted now.
11	Kerala	Yes, Chairperson of DP is Chairperson of DPC
12	Madhya Pradesh	Yes, District in charge Ministers are Chairpersons. Responsibilities of District Government given to the DPCs
13	Maharashtra	Not constituted
14	Manipur	Yes in 2 districts. Out of 4. Adhyaksha, DP is chairperson
15	Meghalaya	Not constituted
16	Mizoram	Not constituted
17	Nagaland	Not constituted
18	Orissa	Yes, Chairperson of DP is Chairperson of DPC
19	Punjab	Not yet but its constitution is under active consideration
20	Rajasthan	Yes, ZP President is Chairperson of DPC
21	Sikkim	Yes
22	Tamil Nadu	Yes. Will become operational after election of members from Panchayats & Municipalities. Chairperson, DP is Chairperson
23	Tripura	Yes. Cabinet rank ministers are Chairpersons.
24	Uttar Pradesh	Yes. Ministers are Chairpersons
25	West Bengal	Yes, Chariperson of DP is Chairperson of DPC
26	A&N Islands	Yes
27	Chandigarh	Not in favour as 90% of population covered by Municipality
28	D&N Haveli	Yes.
29	Daaman & Diu	_____
30	NCT Delhi	State PR Act is under consideration
31	Lakshadweep	Yes. Chief Development Commissioner is Chairperson
32	Pondichery	Elections not held

Source: Ministry of Rural Development

Some Resource Centres

Alochana - Centre for documentation and Research for Women
1/6, Swasti Apartments, 1st Floor, Erandwana, Pune - 411 004 Maharashtra.

Astha Sansthan
39, Kharol Colony
Bedla Road, Udaipur 313 001
RAJASTHAN

Bharat Jan Andolan
A-37 Nangli Rajapur
Near Sarai Kalekhan Bus Depot
Nizzamuddin (E)
New Delhi 110 013

CENCORD
Shyama Bhavan, West Boring Canal Road
Patna 800 001
BIHAR

CRSD-Centre for Rural Studies & Development
15/212, Court Road
Madaksira, Anantpur 515 301
ANDHRA PRADESH

CYSD- Centre for Youth & Social Development
E-1, Institutional area
P.O. - R.R.L
Bhubaneshwar 751 013
ORISSA

Ekta Parishad
Gandhi Bhavan, Shamla Hills
Bhopal 462002
MADHYA PRADESH

FRCH - Foundation for Research in Community Health
83-84, Anand Park,
1st Lane, Off. Baner Road,
Aundh, Pune 411 007
MAHARASHTRA

Gandhi Gram Rural Institute
Department of Rural Industry and Management
Gandhigram 624 302
District - Dinigual Anna
TAMIL NADU

HHS - Hengasara Hakkina Sangha
1353, 32 E Road
4th T Block, Jayanagar
Bangalore 560 041
KARNATAKA

Indian Institute of Education
128/2, Karve Road
Kothrud, Pune 411 029.
MAHARASHTRA

Indian Social Institute
10, Institutional Area
Lodhi Road, Behind Sai Baba Mandir
New Delhi 110 003

Jan Vikas

Vedchi Pradesh Seva Samiti - Valod
Valod Post, Surat
GUJARAT

Samaj Parivartana Samudaya

IMA Building, Near Sangam Talkies
Ranebennur – 581 115.
KARNATAKA

Lok Jagriti Kendra

Madhupur
Deogarh- 815 353
Jharkhand

Samarthan -Centre for Development Support
E-7/81, Banker's Colony
Arera Colony, Bhopal 462 016
MADHYA PRADESH

MKSS - Mazdoor Kisan Shakti Sangathna

Village Dev Dungri
P.O. Barar, Rajasmand 313 341
RAJASTHAN

SETU

NIRD - National Institute of Rural Development
NIRD Lane, NH - 37
Jawahar Nagar, Guwahati 781 022
ASSAM

UNNATI-Organisation for Development Education
G1/200, Azad Society
Ahmedabad 380 015
GUJARAT

Nav Bharat Jagriti Kendra

Post Box 37, Amrutanagar
Hazaribagh
Jharkhand

UPVAN

PRIA - Society for Participatory Research in Asia
42, Tughlakabad Industrial Area
New Delhi 110 062

Uttar Pradesh Voluntary Network
4/487, Vivek Khand, Gomti Nagar,
Lucknow 226 010
UTTAR PRADESH

SAHAYI - Centre for Collective Learning and Action

Peroorkada P.O.,
Thiruvananthapuram 695 005
KERALA



National Centre for Advocacy Studies (NCAS) is a social change resource centre working with social action groups, public interest professionals and citizens from all over South Asia. NCAS began its work in 1992. It was set up with the aim of empowering people working towards changing the social fabric of our country for a just and humane society. It is an autonomous membership based organisation registered under the Society Registration Act 1960 and the Bombay Public Trusts Act, 1950. The centre has been promoted by more than fifty credible grassroots organisation and social action groups from different regions of India.



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Serenity Complex, Ramnagar Colony
Pashan, Pune - 411 021.
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